

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 2/12/2018 1:52:57 PM
To: Zelle, Michael [Michael.Zelle@nh.gov]; Ross, David P [ross.davidp@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
CC: Scott, Robert [Robert.Scott@des.nh.gov]
Subject: RE: Dover Meeting Follow Up

Mac,

Thanks for this! You have put an excellent summary together.

In Region 1 we are expediting partial approval of the 2014 and 2016 NH 303(d) lists. Our suggestion is to approve the 90% of work around which there is no disagreement, and then move to work more closely on the other areas – hopefully with a goal to resolve them quickly too.

We will continue to work as a team and keep you informed.

Alexandra Dapolito Dunn, J.D.
Regional Administrator

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From: Zelle, Michael [mailto:Michael.Zelle@nh.gov]
Sent: Friday, February 9, 2018 2:35 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Scott, Robert <Robert.Scott@des.nh.gov>
Subject: Dover Meeting Follow Up

Hello Alex, Dave, Ken, & Ann,

Alex and Dave –

Thank you both so much for taking the time to meet with our towns concerning their permits. They feel that after years of fighting the state and the EPA, their concerns are finally being heard. The Governor is incredibly appreciative of your engagement on in this matter. I enjoyed meeting you both and hope we get a chance to work together in the future. Alex, the Governor further appreciates the letter that you just sent.

All –

The towns were less organized with action items than I was lead to believe they would be. I am a little nervous that they left the meeting believing that EPA would give them all status quo permits with no numerical nitrogen limit. As I understand it, EPA cannot do this, and even if they could, it would likely to lead to a protracted fight with CLF. Please correct me if I am wrong on these points.

The towns are beginning to view EPA as more of a partner than a combatant, and I think their historic lack of trust is being overcome. In light of the towns agreeing to be dealt with individually, I believe the action item is for EPA staff to begin to engage the towns in a technical discussion on what an adaptive management permit would look like for them, and what the process to get and implement those permits will be.

The Governor has four goals for these permits:

1. The towns get and implement the permits on schedule. The Governor does not want the towns or the EPA to drag their feet, or protract the process, creating uncertainty for businesses.
2. The permits and any potential consent agreements give the towns the certainty they need for their long-term planning. There is a fear among the towns that a future administration will turn the tables on anything that is agreed to.
3. The permits are innovative and allow the towns the flexibility through adaptive management to best address their unique situations.
4. The permits are written to best prevent a protracted legal fight with CLF, which creates uncertainty for the municipalities and local businesses.

The Governor shares your goal for science-based decision making, and we are planning on increasing funding for data collection on the health of the Great Bay. We want NH DES and EPA to have the best data possible.

The City of Portsmouth mentioned the potential Lonza expansion at the Pease Tradeport. This is a priority of the Governor, and the wastewater treatment expansion is critical for the expansion to proceed. I hadn't mentioned this prior, at this point in the process it is a bit premature to discuss the waste water permit, as we have little idea of what kinds of capacity upgrades will be required, It is, however, good for EPA to know that this is out there.

Ken & Ann –

I would love to sit down and get the EPA's stance on the science behind all of this. I have DES' and the towns' narratives but I would like to understand where EPA stance on how we have gotten to this point. Furthermore, I would like to understand what difference of opinion between DES and EPA is that has been holding up NH's 2014 and 2016 303(d) lists.

Thank you, everyone, for working on this issue, the Governor really appreciate all the effort that is being put in!

Mac Zelle

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Message

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 2/13/2018 12:27:23 AM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]
Subject: RE: Politico: POLITICO Pro Q&A: EPA's David Ross, 2/9/18

Thanks Liz. I appreciate it. The team did a great job of preparing me.

Dave

From: Bowman, Liz
Sent: Monday, February 12, 2018 5:03 PM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: FW: Politico: POLITICO Pro Q&A: EPA's David Ross, 2/9/18

Dave – This is great; I really appreciate you doing it, and Andrea et al's support. I think this came across really well and I think it's a good, detailed look at your priorities, as well as your knowledge of the issues. Thank you for taking the time to do this. I am sorry I couldn't be there to staff.

From: Hassell, Emily
Sent: Monday, February 12, 2018 11:32 AM
To: AO OPA Individual News Clips <AO_OPA_Ind_News_Clips@epa.gov>
Subject: Politico: POLITICO Pro Q&A: EPA's David Ross, 2/9/18

Politico

<https://www.politicopro.com/agriculture/article/2018/02/politico-pro-q-a-epas-david-ross-334293>

POLITICO Pro Q&A: EPA's David Ross

By Annie Snider, 2/9/18, 4:46 PM

As the new head of EPA's water office, David Ross is the point man for some of Administrator Scott Pruitt's top priorities, from his "war on lead" to targeting investment in the nation's hidden water infrastructure to redefining the scope of federal water protections under the Clean Water Act.

A longtime water lawyer who has represented industry clients for a District of Columbia law firm and worked in state government in both Wyoming and Wisconsin, Ross says he's aiming to improve collaboration between federal and state regulators — an approach he's bringing to the contentious effort to rewrite the Waters of the U.S. rule. Still, he freely admits that "we're not going to make everybody happy."

In an interview a month after arriving at the agency, Ross said that he is "aggressively" going after nutrient pollution problems like those that plague Lake Erie, the Gulf of Mexico and local rivers and lakes across the country. But he says a true solution won't come from an approach driven by the Clean Water Act, but in more tailored, holistic solutions worked out at the local level.

The following transcript has been edited for length and clarity.

What are your priorities coming into this job?

I break them down in categories: It's drinking water, surface water quality and what I would consider the way we do business.

Having spent time in the states and seeing the way the federal government interacts with the states, I think we can do a better job in the relationship and the communication with the folks who are implementing our programs on a day-to-day basis. There are some frustrations out there in the states in how the last administration communicated with them. We use the word consultation ... and I'm trying to flip that word to engagement, where we have meaningful dialogue with the states, with the tribes, understanding their local, regional issues and how we can do a better job understanding their needs. It will help us do our jobs our better.

What about drinking water and water quality?

Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. The numbers vary, but [the] \$650 billion of capital investment that is needed to bring our systems up to speed ... those are huge numbers. I spent some time with the Conference of Mayors a couple weeks ago and heard from them about how much money they already spend on an annual basis in that world. Which is amazing, how much amazing investment they already do every day to protect our citizens, and yet we still have this gap.

I think it's great we have a president who is focused on it. Just having the president talk about it brings focus to it. In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water.

We're expecting a more detailed conversation around infrastructure with the administration's proposal coming out on Monday. How would you like to see the conversation focused when it comes to drinking water and wastewater infrastructure, and where do you see the State Revolving Funds fitting in?

I'll start there: the SRFs are, if you look back in history, what has been responsible for driving significant improvements in surface water quality and public health – drinking water quality. Those are amazing tools and I think they're even under appreciated in ... the real translation of federal dollars out to the states to use how they need. That is a really powerful tool. So, our job on the revolving loan fund space is to make sure we're using the money that Congress gives us as effectively and efficiently as possible. We've got a water finance center here at the agency that as part of my education process [I'm] learning about. Really smart people thinking creatively about how do we use the money as effectively as possible.

And then prioritization ... we can't do it all at once, and so how do we focus our resources where we can get the most immediate help? Having that conversation in an area where it's all important is difficult. For a citizen in Ohio or a citizen in Mississippi or California, day to day it's important to them. So how do you have a conversation about prioritization without discounting the importance to everybody?

So how do you envision prioritizing? What do you see as being the factors that go into that?

That's where you start to line it up with some of the other of the administration's priorities. Both what I'm hearing from the White House and this administrator is there's issues, like the war on lead. It's obviously a critical, critical public health issue for our most precious resources, which is our children. We have a Lead and Copper Rule that was done in 1991 and it has done an amazing job of getting the lead out of the water and really improving public health. Plus, if you look at the other media work that's been done — lead in gasoline and lead in paint — collectively the country's done an amazing job of getting this problem focused in on a much narrower target, but we still have work to do.

There is some major work to be done to update the Lead and Copper Rule to get after our remaining challenges. We still have lead service lines in this country. We still have in-home plumbing issues that create potential exposure pathways

that we just have to take a long, hard look at solving ... And I'm thrilled that the administrator is providing some really, serious leadership in an area that is quite frankly challenging.

You'll [also] be hearing discussions about perfluorinated compounds starting to come up throughout the country and we're taking a serious look at it. So matching what you're hearing about public health issues and then some of the communities like rural communities are really struggling with financing wastewater and water upgrades and so how can we make sure that we're helping the rural communities where the funding is — it's harder to go generate through a rate increase out in rural America versus urban America, and so you have to think, the techniques that will be applied will be different based on the targeted community.

Waters of the U.S. has been another big [priority]. A lot of folks in the administration came in opposing the Obama administration rule, including you — you were involved in that litigation before hand — and it's been something that the administrator has been out talking about. [This week] he gave a speech to Texas water folks that was closed to press. A lot of these meetings are to groups that already agree with you and are often closed to the press. How are you going to convince a judge and the public that you're approaching this process with an open mind and without having already pre-decided?

If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not.

Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls. The past is past, my job is to see where the challenges are right now and how to solve them going forward.

Part of keeping an open mind is consultation or engagement. We have webinars coming up with some of our tribal members and some of our state members at the end of February. We're working with the Environmental Council of the States to bring in a representative sampling from across the country with the states that want to come in and talk with us about ideas coming forward and what they think the new rule might look like. And so that consultation piece is very important, hearing from our local communities.

There was an effort last year, long before I was here, where letters were sent out to the governors saying, 'Hey, give us some ideas,' because, having been in the states during the last administration, I think we probably could have done a better job gathering information as we try to solve problems going forward. It's a ridiculously difficult issue. I mean, we've been dealing with this for 40 years where the law is on the books, the statute was pretty open-ended, so how do you actually come to a workable definition of the jurisdiction of the Clean Water Act and stay within the statutory boundaries, and that's our job.

Clarity is the word that everybody uses on all sides ... Does this have to be something that a farmer with no particular training can go out in the field and implement himself?

Well, I think we should strive for that. I would love to get to a point where we could have a map that says, 'Hey, this is what is a federal water versus a state water.' Can we get there? I don't know. Public officials should be comfortable saying these are challenges we don't necessarily have the answer to but our job is to try to find out.

I would love to get to a space where someone out on the landscape can know, 'Yeah, I need to go to my state government or my federal government without having to go spend a lot of money to bring in outside consultants to tell me how to use my backyard.' That should be our objective, that's the clarity piece. Can we get there? I don't know. Our job is to try to get as close as we can. What's absolutely in, what's absolutely out and how do we provide clarity to the regulated community on what the gray area is and try and narrow down the gray area as much as possible.

Another one of the things that has made this such a tricky issue is the geographical variance around the country. If you do a strict interpretation of the Scalia opinion [in the 2006 Supreme Court *Rapanos* decision], you could have

states out West where more than 90 percent of the waters aren't federally jurisdictional, and a lot of those states have laws on the books that say they can't regulate things at the state level beyond what's regulated federally. How do you grapple with that, and, if you do a strict Scalia interpretation that leaves those waters out, are you worried about a public backlash?

Regionalization and recognizing that different states have different water challenges is ultra-important. I have worked in California, I have lived in Vermont, I have lived in Wisconsin, I have worked in Wyoming, I have worked in the city, so I understand that water challenges on the East Coast are different from the Midwest and they're different from the South and they're different in the Mountain West and they're different on the West Coast, so trying to understand the different needs of the states is really important. What's an important water body in one state may have less of an influence in a different state. So trying to get at a regionalization concept, it's tough. But I'm at least willing to look at that.

There's a huge history that we're going to be informed [by]. And obviously the executive order mentioned the Scalia opinion and how we should be informed as we're doing the analysis ... We're implementing the executive order, but how we come out, we're still working on that, and that's part of my job ... but we're not going to make everybody happy. There's so much emotional connection to this issue that's built up over 40 years because of the way the statute was written back in the 70s.

Water quality is one of the biggest challenges facing you. The president has promised us "crystal clean water." There's huge challenges around the country: Lake Erie has large toxic algae blooms each summer, as do the coasts of Florida, and local streams and lakes and rivers. What are you going to do to get where the president has promised to go?

One of my top priorities coming in is to take a look at nutrients. It is one of the most important and definitely the most challenging surface water quality issues that we have, and it's different in different parts of the country ... Sometimes phosphorus is the driver, sometimes nitrogen, sometimes both. And so I'm aggressively looking at the nutrient issues and am going to go after it holistically. The lens of: how do we regulate using the laser-like precision, using Clean Water Act tools specifically, loses an opportunity to look more holistically. How do you engage with the states, how do you engage with the [agricultural] community, both the people who grow crops and the people who provide products to the farmers who grow crops?

There are some really cool tools out there. Indiana, Iowa, all up and down the Mississippi basin, it's an interesting experiment. The direction is to solve the problem and just hearing from the states in the [Mississippi River/Gulf of Mexico] Hypoxia Task Force a couple weeks ago, each state is approaching it differently. And so the federal government has a role, the states have a role, the communities have a role, [the Department of Agriculture] has a role, and trying to get those people together on the same page and look holistically at it, it's something I'm going to spend a huge amount of my time on because it's a problem we have to solve.

There's a money problem there, too, right?

Huge amounts of money, and that's why you have to understand how to spend that money as effectively as possible. In some states it may be edge-of-field. In some states it may be edge-of-stream. In some states it may be the type of feed that's delivered or manure management in the upper watershed or [wastewater treatment plants] and septic [systems] in the Northwest. And so you have to understand that there are different drivers and so how do you focus the limited resources that folks have? Indiana has a great example where they've formed this alliance with The Nature Conservancy and the state [Department of Agriculture] and the local farm bureau and the state [agriculture] commissioners and the environmental community to get together to with an alliance to focus on bringing money to solve problems in that state focused on that state.

When you talk about nutrient problems, climate change feeds into that as well. The Chesapeake Bay is grappling with that at the moment. How do you see climate change fitting into the challenge of nutrients and broadly into your job at the water office?

That's a big question. In the nutrient space it's very challenging because there are presumptions made about direction and temperature that doesn't necessarily translate to individual water bodies. If people know nutrients, really know nutrients and what the drivers are, in some bodies it's temperature, in some it's flow, some it's color, some it's whether or not you've got a lot of leaf-fall and what organics come in, stratification in lakes, you name it... That's why individual states, individual watersheds, individual water bodies, you have to consider the drivers in those water bodies. So it's way too simplistic and overgeneralized to focus on one big ticket issue. To really understand the nutrients problem, you have to stay away from the overgeneralizations and one-size-fits-all mentality to really understand and solve the problem.

What about more broadly? [How do you see climate change playing into] your mandate in the water office?

You have the MS4 [stormwater pollution control] program, the combined sewer overflows, and all these different huge infrastructure challenges. If we're spending money to upgrade systems it's natural to want to also look at resiliency. So if you're going to do a massive capital outlay, your job is to look at how you're going to spend that money and is it going to hold up over the test of time for 50 years, if you're an individual decision maker with money. And so if you're in Florida and you're worried about differences in sea level, you have to build that into your [plan]. In the water space, climate change is about building it into your planning for the infrastructure.

I took a tour of the Mystic River urban watershed program [Wednesday] morning and there was a prime example of a redevelopment where there was a dam that stopped the sea water from going into the fresh water, and there's a local park there that needs to be redeveloped because there's some historic contamination and they're going to talk about spending \$1 million to upgrade it. They brought in kind of a resiliency piece [and discovered] that if they spend more money in that area, that could help provide kind of long-term protection to sea-level changes, you'll spend a lot less money in the upper watershed. So that's a prime example in that particular watershed about how the conversation at the local level, how that piece comes in, and we're going to have to do that throughout the decision making process in how we invest money in the infrastructure space. It's part of the natural planning that I think has to happen in local communities.

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 2/12/2018 2:02:17 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: FW: Morning Energy: A peek inside Trump's budget wish list — CEQ official resigns — PEER says acting officials served illegally

FYI, they included a write up on your interview in ME this morning. See highlighted section below.

From: POLITICO Pro Energy [mailto:politicoemail@politicopro.com]
Sent: Monday, February 12, 2018 6:04 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Morning Energy: A peek inside Trump's budget wish list — CEQ official resigns — PEER says acting officials served illegally

By Kelsey Tamborrino | 02/12/2018 06:01 AM EDT

With help from Darius Dixon, Annie Snider and Eric Wolff

A PEEK INTO TRUMP'S BUDGET WISH LIST: The White House will lay out President Donald Trump's budget proposal for fiscal year 2019 today, proposing cuts to domestic spending in spite of the budget increases Congress just agreed to last week. While the White House will continue to urge austerity, budget director Mick Mulvaney said the administration will also release an addendum to the budget outlining its ideas for how to spend the extra \$63 billion in nondefense spending lawmakers agreed to for next year, Pro's Sarah Ferris and Jennifer Scholtes report. Though the budget is unlikely to be enacted by Congress in the form presented — and the accompanying infrastructure plan faces its own steep odds — here's what ME will be watching for in today's roll-outs:

At EPA: The ax will be out again for EPA. "You still are going to see some reductions in our proposals to the EPA," budget director Mick Mulvaney told "Fox News Sunday." "There's still going to be the president's priorities as we seek to spend the money consistently with our priorities, not with the priorities that were reflected most by the Democrats in Congress." While Congress is still working out the details of an omnibus spending bill for FY18, lawmakers have so far proven unwilling to cut as deeply as Trump and Mulvaney would like. The House, for example, has supported \$1.9 billion more than White House's requested for EPA, and the relevant Senate subcommittee is asking for even more.

— **Water infrastructure is expected to be a winner** in the EPA budget, being a priority of both Trump's and EPA Administrator Scott Pruitt's. Last year the White House proposed a modest increase for the popular Clean Water and Drinking Water State Revolving Funds, which are frequently targeted for cuts in presidential budgets since Congress can be counted on to restore funding. Expect WIFIA, the new innovative financing tool, to be a winner as well.

At the Energy Department: Last year, the Trump administration called for cutting the Energy Department's budget by more than 9 percent when compared to enacted fiscal 2017 levels, a whack that would've brought the agency down to \$28 billion. The proposal disproportionately hit DOE's energy programs — cutting the fossil and renewable energy offices by more than half, for example — because the administration sought to increase spending on DOE's National Nuclear Security Administration by \$1 billion. The Washington Post reported that Trump wants to cut DOE's energy efficiency and renewable energy office by 72 percent on current levels, so don't expect a new tune this year.

At the Interior Department: Look for Interior to be called on to help advance Trump's infrastructure agenda today. Republicans have long called for the department to expedite the construction of pipelines, roads and other projects on the public lands it oversees. Interior is also a key player in Endangered Species Act reviews that industry groups complain make permitting more difficult for all sorts of projects.

— **What about environmental protections?** A senior administration official said during a briefing on Saturday that the White House has no intention of dismantling environmental protections. But it remains unclear what changes it may seek to make in existing laws that, for example, allow EPA to veto permits issued by the Army Corps of Engineers. "We're not saying you can have a bigger impact on dangerous species, or the water can be dirtier or the air can be dirtier, or anything like that," the official said. More from Pro's Brianna Gurciullo on what to expect in Trump's infrastructure plan [here](#).

Other areas: The White House is expected to press for changes to the National Environmental Policy Act in its upcoming infrastructure proposal, as well as cut the independent Chemical Safety Board once again. And The New York Times reports that the budget will look to trim NASA's earth science directorate, which includes climate research.

— **Look for staff reductions:** Trump's budget also will "for the first time making public the White House's plans for trimming staff and operations across the federal government," Sarah and Jennifer report. "Those 'workforce reduction' plans — which rely on hiring freezes, buyouts and stripping protections that make it easier to fire workers — are the result of nearly a year of back-and-forth between OMB and agencies."

COMING SOON: While it won't be ready for today's festivities, federal agencies are putting the finishing touches on an agreement to work toward quicker permitting, POLITICO's Andrew Restuccia reports. A draft memorandum of understanding being reviewed by 17 agencies commits "to cooperate, communicate, share information, and resolve conflicts that could prevent meeting milestones." The memo aims to implement an executive order Trump signed in August that set a goal of completing the environmental review process for major infrastructure projects within two years. The permitting timeline is expected to be one element of the infrastructure plan Trump will unveil today, though the memorandum is not expected to be finalized in time for this week's rollout.

In Congress, Democrats remain cool to setting a time limit, Pro's Anthony Adragna reported Friday.

COUNTER PROGRAMMING: A coalition of 35 House Democrats calling itself the Sustainable Energy and Environment Coalition plans to release its own set of principles today, calling for investments in things like sustainable transportation, water infrastructure and reducing carbon emissions. And the Wilderness Society on Friday released its own look-ahead for Trump's budget and infrastructure proposals, highlighting the Land and Water Conservation Fund and whether it will echo last year's suggested cuts to wildfire-fighting efforts, among other issues to watch.

HAPPY MONDAY! I'm your host Kelsey Tamborrino, and no one guessed the first congressional override of a presidential veto occurred in 1845 over a veto by lame-duck President John Tyler on an appropriations bill. For today: How many European countries begin with the letter 'S'? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](#), [@Morning_Energy](#) and [@POLITICOPro](#).

CEQ OFFICIAL RESIGNS: Amid the continued fallout of White House staff secretary Rob Porter's resignation last week, a second official — who worked at the Council on Environmental Quality — has resigned over his own domestic abuse allegations, Andrew reports. Speechwriter David Sorensen submitted his resignation after being confronted by White House officials over allegations made by his ex-wife, who said he had been physically and verbally abusive. Sorensen released a statement, published by a Daily Caller reporter, disputing the allegations, while his ex-wife put out her own statement [here](#).

PEER QUESTIONS AUTHORITY OF 3 DOI DIRECTORS: The watchdog group Public Employees for Environmental Responsibility says three senior officials at the Interior Department are serving illegally. In a complaint being filed with Interior's inspector general's office today, PEER says the acting heads of the Fish and Wildlife Service, Bureau of Land Management and National Park Service were not appointed in accordance with the Vacancies Reform Act. The 1998 law was passed to prevent the president from circumventing Senate confirmation requirements by appointing acting heads on a long-term basis. PEER argues that FWS Acting Director Greg Sheehan, NPS Acting Director Daniel Smith and Brian Steed, BLM's deputy director for programs and policy who Interior says is "exercising authority of the director" did not serve as Interior Department staffers for 90 days during the year preceding their appointment and were not appointed by the President — violations of the law.

PEER contends that all of the actions taken by these acting officials are illegal, including a number of listing decisions under the Endangered Species Act under Sheehan's name and a move he signed off on to give states a greater role in ESA decisions. "This chronic leadership failure casts a deep, murky legal shadow across of a wide range of Interior decisions which may be legal nullities," PEER Executive Director Jeff Ruch said in a statement.

PRUITT TRAVEL TOPS \$90K: Between a recent trip to Morocco focusing on natural gas exports and a tendency to fly first-class, Pruitt's travel has often come under scrutiny. But a new report from the Post highlights at what cost the EPA chief's travel has come to the taxpayer, zeroing in at least \$90,000 for Pruitt and his aides during a June international trip, according to receipts obtained by the Environmental Integrity Project under FOIA. The costs of Pruitt's 24-hour security detail are not included because that figure has not been disclosed. The Post also adds a few new destinations to Pruitt's expected upcoming international itinerary, reporting that he has trips planned to "to Israel, Australia, Japan, Mexico and possibly Canada, according to officials familiar with his schedule." Read the details here.

WATER YOUR THOUGHTS? The new chief of EPA's water office sat down with Pro's Annie Snider last week to discuss Pruitt's water priorities, the contentious Waters of the U.S. rule and nutrient pollution problems, among other topics. Here's a sampling of Annie's sit-down with David Ross:

— **On drinking water and water quality:** "Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. ... In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water."

— **On WOTUS:** "If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not. Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls." Read the full Q&A here.

NARUC COMES TO TOWN: State regulators are swarming Washington this week for their annual winter meeting, a lineup that includes FERC commissioners, Energy Department officials and a keynote by Alaska Sen. Lisa Murkowski, a regular speaker at the conference. Electric grid resilience, the "implications and complications" of last year's tax law, and the energy-water nexus are among the most prominent subjects over the next few days at the National Association of Regulatory Utility Commissioners' meeting. Natural gas and renewables each get plenty of attention too but for a group that is fairly unified on getting the federal government to collect the nuclear waste building up in their states, the meeting only touches on the subject tangentially with a panel on reactor decommissioning. The ongoing court battles around nuclear-friendly state policies also seem noticeably absent from the agenda. Today's program kicks off at 9 a.m. at the Renaissance Washington Hotel.

COAL FINANCING TEST CASE PULLED: PetroVietnam has withdrawn an application for U.S. financial support for a coal-fired power plant in the country, the Export-Import Bank said on Thursday. The move, The New York Times reports, brings "to an abrupt end a closely watched test of whether Washington would back international projects that could potentially contribute to climate change." It wasn't immediately clear why the company withdrew its request for the plant, Long Phu 1. But the project — already under construction — faced criticism inside and outside the United States, the Times reports.

PERSONAL FINANCE: Former Massey Energy CEO Don Blankenship has not raised a single cent for his Senate campaign in West Virginia, the Charleston Gazette-Mail reports via Blankenship's recent FEC filing. Instead, the former coal boss loaned himself \$400,000 in November and his campaign since then has spent more than \$250,000, mostly on TV advertising. Patrick Morrissey also poured personal loans into his campaign for the Republican nomination for Sen. Joe Manchin's seat, the Charleston Gazette-Mail reports.

THE GAS TAX IMPACT: Energy Innovation is out with a new research note today, focusing on the effects of the U.S. Chamber of Commerce's proposed gas tax increase. The research found by 2050, a \$0.25 gas tax increase would generate \$840 billion in revenue and would cost U.S. drivers \$30 billion per year by 2022, with yearly costs decreasing over time. The tax increase would also reduce annual fuel consumption by 40-45 million barrels, according to the research, and cut total fuel use by more than 1.3 billion barrels. Read the document here.

MAIL CALL: National Rural Electric Cooperative Association CEO Jim Matheson sent letters to congressional appropriators asking them "to dedicate significant funding to rural infrastructure, particularly rural broadband, from the \$10 billion dedicated to infrastructure development." Read the letters here and here.

— **Sens. Bill Cassidy, Manchin, Chris Coons and Shelley Moore Capito** are urging appropriators to ensure full funding for DOE's Title XVII Innovative Technology Loan Guarantee Program.

QUICK HITS

- Blackout hits northern Puerto Rico following fire, explosion, Associated Press.
- Zinke moves to expand big-game hunting on federal land, Washington Examiner.
- Trump's infrastructure plan may ignore climate change. It could be costly, The New York Times.
- Pipeline ruling on hold as judge weighs arguments; decision expected next week, The Advocate.
- There's a global race to control batteries — and China is winning, The Wall Street Journal.
- De Niro takes aim at Trump's climate change policy, Associated Press.

HAPPENING THIS WEEK

MONDAY

7:30 a.m. — The Renewable Fuels Association holds its annual conference, San Antonio.

7:30 a.m. — The Solar Energy Industries Association and the Energy Storage Association breakfast panel discussion on Distributed Energy Resource valuation, 999 9th St NW

9:00 a.m. — The National Association of Regulatory Utility Commissioners holds its Winter Policy Summit, 999 9th Street, NW

9:00 a.m. — Jay Timmons, president and CEO of the National Association of Manufacturers, will give his annual "State of Manufacturing Address." Livestream of the event here.

TUESDAY

11:00 a.m. — The Environmental and Energy Institute briefing to showcase two London Economics International studies, 2360 Rayburn

12:00 p.m. — The Atlantic Council conversation on Iraq's energy potential, 1030 15th Street NW

12:00 p.m. — The Northern Virginia Regional Commission, and the Greater Washington Warburg Chapter of the American Council on Germany discussion on "The Social Benefits of Renewable Energy," Fairfax, Va.

2:00 p.m. — The Responsible Battery Coalition holds briefing event on "Vehicle battery sustainability: Recycling 2 million more," SVC-214

WEDNESDAY

10:15 a.m. — House Natural Resources Committee markup of pending calendar business, 1324 Longworth

11:00 a.m. — David Gardiner and Associates webinar on "The Growing Demand for Renewable Energy Among Major U.S. and Global Manufacturers."

2:00 p.m. — House Energy and Commerce Environment Subcommittee hearing on "New Source Review Permitting Challenges for Manufacturing and Infrastructure," 2123 Rayburn

2:00 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on "The State of the Nation's Water and Power Infrastructure," 1324 Longworth

3:00 p.m. — Senate Energy and Natural Resources Committee hearing on various bills, 366 Dirksen Senate

THURSDAY

9:30 a.m. — BNEF and BCSE release its 2018 Sustainable Energy in America Factbook, 1101 New York Avenue NW

10:00 a.m. — House Science Research and Technology Subcommittee hearing on "Mentoring, Training, and Apprenticeships for STEM Education and Careers," 2318 Rayburn

2:00 p.m. — House Natural Resources Committee Energy and Mineral Resources Subcommittee hearing on H.R. 520 (115), the "National Strategic and Critical Minerals Production Act," 1324 Longworth

5:30 p.m. — The National Capital Region Society of Healthcare Engineers seminar on "Energy to Care: Co-Generation Energy Savings and Resiliency," Arlington

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<https://www.politicopro.com/newsletters/morning-energy/2018/02/a-peek-inside-trumps-budget-wish-list-099684>

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Trump to demand tough budget cuts for domestic programs [Back](#)

By Sarah Ferris and Jennifer Scholtes | 02/11/2018 07:01 PM EDT

President Donald Trump is expected to renew his call for drastic reductions to nondefense programs in rolling out his budget request Monday, even with hundreds of billions in new cash at hand.

While Congress busted strict spending caps last week — allowing for an extra \$300 billion to be spent over the next two years — the Trump administration is still urging severe austerity for some arms of the federal government.

Trump's budget will lay out "an aggressive set of spending reforms" to reduce the deficit by \$3 trillion over a decade, according to a preview released by the White House on Sunday.

"Just like every American family, the Budget makes hard choices: fund what we must, cut where we can, and reduce what we borrow," White House budget chief Mick Mulvaney said in a statement.

Those spending reductions would run nearly as deep as Trump's first budget, with a key exception: the Department of Defense.

Trump is seeking a massive boost to the Pentagon to allow for a "ready, larger, and more lethal military," the White House said in the preview.

Officials said the budget would also prioritize border security — proposing to hire roughly 1,000 more patrol agents and immigration officers than its previous budget.

The White House will ask Congress for a total of \$23 billion in border security programs, reinserting Trump into the center of a fierce immigration debate on Capitol Hill.

Roughly \$2.7 billion will go directly to the detention capabilities of the Immigration and Customs Enforcement agency. With that money, the White House said the agency could detain 52,000 undocumented immigrants on an average day — "the agency's highest-ever detention level."

Trump is also making good on his campaign promises to boost funding to fight opioid addiction and to improve veteran health care.

The budget calls for roughly \$17 billion in "opioid-related spending," with the vast majority going to treatment, prevention and recovery.

For veterans' health care, Trump's budget would set aside \$85.5 billion, far above last year's levels.

The document is entitled "Efficient, Effective, Accountable: An American Budget" — bearing the stamp of the White House's leading budget hawk, Mulvaney.

The former GOP congressman has led a rapid rewrite of the president's budget this weekend after Congress's deficit-busting spending deal on Friday.

Mulvaney said Sunday that Trump will request more cuts to the State Department and the EPA this time, while urging Republican lawmakers to resist the urge to boost spending on social welfare programs.

Forced to do some fast accounting after lawmakers cleared a massive budget deal H.R. 1892 (115) last week, Trump will be delivering a stack of mixed messages in unveiling his budget recommendations for both fiscal 2018 and 2019 this week.

The White House said Trump's budget will tell Congress just how the president wants to see lawmakers divvy up the hundreds of billions of dollars in new funding authority, while at the same time encouraging them not to spend all that cash.

"These are spending caps. They are not spending floors," Mulvaney said on "Fox News Sunday." "We're going to show how you can run the government without spending all of it. That will be our 2019 budget."

Mulvaney admits, though, that lawmakers are likely to use the extra \$300 billion.

"But if you are going to spend it — which is exactly what we think Congress is going to do — here's how you should spend it," he added.

The White House is expected to debut the budget midday Monday, with afternoon briefings scheduled explaining proposed funding for the departments of Education, Energy and Defense, as well as NASA.

Mulvaney will then elaborate on the overall proposal during testimony before the Senate Budget Committee on Tuesday and before the House Budget Committee on Wednesday.

In a stark shift from Trump's first-year budget, Republican lawmakers are likely to embrace the impending plan's recommendation for \$716 billion in defense spending — the same level Congress signed into last week's budget deal.

Within that total, Trump will ask for dozens of new patrol aircraft, strike fighters and Super Hornets, as well as \$719 million for the Navy's unmanned tanker program, according to a person who reviewed the budget document.

Trump's willingness to spend a massive sum on the military comes in contrast to the budget he delivered last year, when his \$604 billion Pentagon funding proposal fell short of his own party's wish list.

GOP leaders also are expected to cheer the budget's request to hike funding to secure the border and fight opioid addiction — the same priorities Republican lawmakers plan to use to protect their majorities in Congress this fall.

The White House is expected to buy into congressional Republicans' plans for welfare reform, such as imposing work requirements for Medicaid recipients and new restrictions for food stamps. On stemming opioid addiction, for example, Trump is expected to ask Congress to shift more funding into enforcement, rather than treatment.

The fiscal plan will also recommend Congress buck calls for more spending on social programs, while suggesting lawmakers throw extra cash at things like infrastructure investment, Mulvaney said, "so if it does get spent, at least it gets spent in the right places."

Those suggestions are expected to come in a special addendum to the budget, since the core document has been in the works for months and will otherwise reflect caps on federal spending that the new budget deal overrode.

The Trump administration has scrambled at the 11th hour to rewrite its budget request to reflect Congress' newly sealed budget deal, essentially forced to present two visions of federal funding. OMB officials had only three days to decide how to divvy up an extra \$63 billion in nondefense spending for fiscal 2019.

"This may be the most complicated budget anyone's ever going to do," Mulvaney said on Sunday.

The proposal will ask for a total of \$25 billion over fiscal years 2018 and 2019 for a border wall, while assuming there will be agreement on how to handle the legal status of young undocumented immigrants covered under the Deferred Action for Childhood Arrivals program, the budget director said.

The budget will again reflect Trump's businessman-like commitment to shrinking the federal bureaucracy, for the first time making public the White House's plans for trimming staff and operations across the federal government.

Those "workforce reduction" plans — which rely on hiring freezes, buyouts and stripping protections that make it easier to fire workers — are the result of nearly a year of back-and-forth between OMB and agencies. Some departments, like Education, have already starting giving workers incentives to leave, while the Agriculture Department has made clear it will only be reorganizing, not cutting employees.

The plan is also expected to lay out a new performance bonus system for workers deemed successful, according to multiple reports. The new system would save billions, according to USA Today, by reducing automatic pay increases.

Ahead of the Monday rollout, the Trump administration is dwelling most on the \$200 billion the plan will request for infrastructure investment over the next 10 years. But that proposal differs little from what the White House requested last year. And the president has conceded that the federal share of his infrastructure vision is "not a large amount" on its own.

Last year, Trump's first budget arrived with a thud on Capitol Hill, proposing the most extreme drawdown in federal spending in decades. In it, Trump asked Congress to gut programs with decades-old bipartisan support, like scientific research and education, while proposing lawmakers take an ax to safety net programs and foreign aid.

Amid crisis-to-crisis budgeting on Capitol Hill, though, there has been little fanfare in the lead up to this latest budget proposal.

"The president's budget is just a nice book," Rep. Bill Flores (R-Texas) said in an interview. "It's good to know where their priorities are, but the ones that make a difference are the ones here."

Victoria Guida contributed to this report.

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[Back](#)

Few DOE programs spared cuts in full Trump budget [Back](#)

By Darius Dixon | 05/23/2017 11:47 AM EDT

The Energy Department's budget would be cut by more than 9 percent to \$28 billion under President Donald Trump's fiscal 2018 budget proposal released today.

DOE's Fossil Energy and Energy Efficiency and Renewable Energy offices would be cut by more than half under the White House proposal. The nuclear energy office would see a cut of about 30 percent.

DOE's Office of Science would be cut from \$5.4 billion to \$4.8 billion. The budget proposes to cut some programs entirely, including ARPA-E, and the controversial loan operation.

The proposal includes \$90 million to restart licensing activities for the long-stalled Yucca Mountain nuclear waste repository and to initiate an interim storage program.

Trump's full budget would keep the DOE at the level the White House targeted in its "skinny" budget released in March, but Congress provided the agency with a funding increase for the rest of fiscal 2017 to put the agency's budget at \$30.8 billion.

Trump's topline DOE reduction is a relatively modest 9.1 percent compared to other federal agencies, partly because DOE's National Nuclear Security Administration would see a \$1 billion increase.

Still, many Republicans in Congress have opposed several aspects of Trump's budget and any final spending bill would need 60 votes in the Senate to overcome a Democratic filibuster.

DOE intends to release additional agency-specific budget materials later today.

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[Back](#)

Trump finally launching \$1.5T sales pitch [Back](#)

By Brianna Gurciullo | 02/11/2018 05:00 PM EDT

The White House is rolling out President Donald Trump's long-awaited infrastructure plan Monday, swinging for the fences with a \$1.5 trillion initiative that is light on new federal dollars — but could inspire a wave of toll roads, ease decades-old regulations and permanently change cities' and states' expectations for assistance from Washington.

The proposal faces tough odds in Congress: Some conservative Republicans are already expressing shock at Trump's total price tag, while Democrats say the share coming from the federal government would be too little to fill the backlog of crumbling roads, bridges, railroads, tunnels and airports, along with other needs like rural broadband service.

Trump is proposing to provide \$200 billion for his plan over the next 10 years — "not a large amount," he has conceded — paid for by unspecified cuts elsewhere in the budget proposal that the White House also plans to release Monday. That spending is meant to draw an additional \$1.3 trillion or more in investments from cities, states, private investors and other sources.

But more fundamentally, the White House says it will finally address a dysfunctional system in which Washington calls too many of the shots, federal red tape gets in the way and some communities fail to put enough "skin in the game" — all while dire needs go unmet.

"The current system is fundamentally broken, and it's broken in two different ways," a senior administration official told reporters during a briefing Saturday. "We are under-investing in our infrastructure, and we have a permitting process that takes so long that even when funds are adequate, it can take a decade to build critical infrastructure."

Trump's plan, the official said, would be "a permanent fix." The plan would also include specific money for rural communities, aim to encourage apprenticeships and other forms of workforce training, and pay for unspecified "transformative," "next-century-type" projects that would "lift the American spirit," the official said.

However, many infrastructure advocates believe that the real fix that's needed is a permanent new revenue stream, something Trump's plan doesn't address.

Oregon Rep. Peter DeFazio, the top Democrat on the House Transportation Committee, said in an address Friday that Trump's plan would "slash the federal commitment to a national infrastructure network."

"This is not a real infrastructure plan — it's simply another scam, an attempt by this administration to privatize critical government functions, and create windfalls for their buddies on Wall Street," DeFazio said. "This fake proposal will not address the serious infrastructure needs facing this country, so our potholed roads will get worse, our bridges and transit systems will become more dangerous, and our tolls will become higher."

The plan that the White House will release Monday is a statement of principles that Congress will have to translate into legislation — potentially leaving the fate of Trump's proposal in the hands of 11 House and Senate committees that oversee slices of the policies in play. The kickoff will include a Monday briefing with state and local officials.

Administration officials said to expect an extended sales pitch from Trump and his Cabinet, who "will be talking about infrastructure all across the nation."

The woeful state of U.S. infrastructure is something Republicans and Democrats largely agree about, even if they don't agree on the solutions. The American Society of Civil Engineers has said the backlog comes to \$4.59 trillion in needed investments by 2025.

But already, some lawmakers are expressing deep concerns about the administration's plan to pay for the federal share of its proposal with budget cuts instead of proposing new revenue sources. Even some Republicans, notably House Transportation Chairman Bill Shuster of Pennsylvania, are pushing for a hike in the federal gasoline tax that pays for the ailing Highway Trust Fund.

Democrats, meanwhile, are criticizing the White House's push to dramatically speed up the federal permitting process for infrastructure projects — and warning that the Senate won't go along with any effort to impose arbitrary time limits on regulatory reviews.

"There's zero appetite for that," Sen. Brian Schatz (D-Hawaii) told POLITICO last week. "There may be a handful of Democrats that would support that but they'd also lose a couple of Republicans."

The senior administration official said the White House has no intention of dismantling environmental protections — but does want to shorten the process to two years, for example by letting one agency render the final yes-or-no verdict. The White House is preparing to achieve some of this streamlining through executive

action, but it's unclear what changes it may seek to make in existing laws that, for example, allow the Environmental Protection Agency to veto permits issued by the Army Corps of Engineers.

"We're not saying you can have a bigger impact on endangered species, or the water can be dirtier or the air can be dirtier, or anything like that," the official said.

Democratic lawmakers and liberal groups like the Center for American Progress have countered that agencies have yet to follow through on recent laws that would let them streamline permitting. CAP has argued that to accelerate the process, the most effective strategy would be fully funding agencies like the Department of Transportation so they have enough staffing and technology.

The Natural Resources Defense Council denounced the plan Sunday as a "disaster" and an "unacceptable corporate giveaway," saying the proposal to speed up environmental reviews "would leave local residents all-but voiceless when it comes to the massive projects that will reshape their communities."

Another source of controversy is the plan's heavy preference for doling out money to states and communities that are willing to put up the most cash on their own. Democrats say that would cause cities and states to hike taxes and fees on their residents, and would heavily disadvantage large projects such as the multibillion-dollar effort to rebuild rail infrastructure in and around New York City.

Senate Minority Leader Chuck Schumer (D-N.Y.), has warned that drivers could soon be paying "Trump tolls" because of the plan's incentives for communities to seek money from private investors.

"Hedge funds and wealthy investors will want projects that generate a profit by charging middle-class Americans hundreds of dollars a year in tolls, taxes and fees," Schumer wrote in an op-ed just before Trump's State of the Union address. "Our nation's roads, bridges and tunnels would become tools for wealthy investors to profit off the middle class rather than the job-creating public assets they ought to be."

The White House says it would be up to local communities to decide how to raise money to pay for their projects, with sources that could include property taxes, sales taxes or user fees.

But the administration's making it clear that communities looking for help from Washington have to show they're prepared to pay for their own needs.

"It's all about how do we get people to compete around in projects that they truly care about," the senior administration official said. "And how do we know they truly care about them? Well, because they've got a lot of skin in the game on the project."

Instead, the official said: "A lot of comments I've received since starting this job are people who are going, 'This is an absolutely critical project, it has to be done, it's vital to our community. Our economy will boom if we do this.' And I ask, 'How much you've invested in it?' And they're like, 'No, we're not investing in anything. We'd like you to invest in it.'"

Those comments fit in with the message of a White House budget document last spring that bemoaned what it called communities' over-reliance on federal dollars — rhetoric that drew a rebuke from the GOP-led Senate Appropriations Committee. DOT has similarly told New York state and New Jersey not to expect the federal government to pay half of a proposed \$13 billion rail tunnel project across the Hudson River, despite previous assurances from the Obama administration.

The senior administration official said that contrary to what many of the critics say, the federal government pays already only about 14 percent of the nation's overall infrastructure needs. "If you go and ask the public what

their preference is, they would prefer to invest locally as opposed to sending money to Washington," the official said.

Meanwhile, fiscal conservatives are already casting side-eyes at the \$1.5 trillion total price tag, even though only \$200 billion would come from the federal budget. That's especially true after Congress enacted tax cuts that are expected to add \$1.5 trillion to the deficit in the coming decade and both parties agreed last week to boost overall spending by \$300 billion over two years.

On the other hand, last week's spending deal gives lawmakers extra cash to work with. And Trump administration officials have been scurrying since Friday to craft an addendum to its fiscal year 2019 budget proposal that will tell legislators just how the president would like to see those dollars spent.

"Take the money that the Democrats want to put to these social programs, and move it to things like infrastructure, move it to things like opioid relief, move it to things that are in line with the president's priorities, so that — if it does get spent — at least it get spent to the right places," White House budget director Mick Mulvaney said on "Fox News Sunday."

In Saturday's briefing, the senior White House official stressed that Trump's infrastructure pitch isn't "a take-it-or-leave-it proposal."

"This is the start of a negotiation — bicameral, bipartisan negotiation — to find the best solution for infrastructure in the U.S.," the official said.

The official added that Trump "is open to new sources of funding" as well. However, something as politically perilous as a gasoline tax increase isn't likely.

Half of the \$200 billion would be allocated to a competitive program in which states and localities can apply for federal funding. Those who have already secured their own sources of cash would be most likely to receive federal money.

Ten percent, or \$20 billion, would add to existing federal loan programs for infrastructure and broaden eligibility for tax-exempt private activity bonds. And another 10 percent would be set aside for what the Trump administration describes as "transformative" projects — a category that some people think could include Elon Musk's gee-whiz "Hyperloop," although the White House said the New York-New Jersey rail tunnel might qualify as well.

A quarter, or \$50 billion, would be reserved for projects in rural parts of the country. That money would go to states as block grants with relatively few strings. It would at least partially address concerns from lawmakers who say rural infrastructure projects may be relatively unappealing to private investors — and seems tailor-made to attract support in the Senate.

The White House official indicated that governors would make the call on how to divide the rural money. In contrast, some rural lawmakers have been pushing to steer a designated portion to broadband internet service.

Five percent of the federal dollars would be used to set up a "capital financing fund."

Some component of the plan will also center on workforce training, the official said. The administration will suggest broadening eligibility for Pell grants, tweaking requirements for trade licensing and growing apprenticeships.

Before his election, Trump swore to voters that a bill to generate \$1 trillion in investment would materialize in his first 100 days as president. But the administration has delayed a plan again and again as it first crusaded to repeal Obamacare and then to rework the tax code.

The number has ballooned to \$1.5 trillion "because we've actually received a sort of more enthusiastic response than we anticipated from state and local governments," the White House official said.

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[Back](#)

Campaign to trim NEPA delays in search of a leader [Back](#)

By Alex Guillén | 02/08/2018 05:02 AM EDT

The Trump administration's plan to overhaul environmental permitting and clear the way for a wave of new infrastructure may run aground unless it can solve its personnel problem — starting at the top.

The withdrawal of Trump's pick for the White House's top environmental position leaves the administration without a key official to coordinate its strategy to speed up that permitting process, which critics say has slowed to a crawl in part because of vacancies across federal agencies.

That nominee, Kathleen Hartnett White, had faced stiff opposition from Senate Democrats and skepticism from Republicans after her nomination hearing for the chairmanship of the White House Council on Environmental Quality, and her decision to withdraw at the end of last week could slow efforts to streamline the permitting under National Environmental Policy Act.

The 1970 act that created both that permitting process and the CEQ has come under fire, with critics saying the reviews required for the federally funded transportation, energy, water and telecommunications projects take too long — a complaint [reiterated](#) by President Donald Trump in his State of the Union address on Jan. 30.

The White House is expected to press for NEPA changes in its upcoming infrastructure proposal expected next week with its budget proposal, but deadlock on the Hill has many looking to the Trump administration take some action.

"I do think you can do a lot administratively," said Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers, which has pressed for NEPA changes.

Eisenberg said NAM would like to see some concrete actions out of CEQ, such as updating 1981 [scoping guidance](#) that tells agencies what issues to focus on in their NEPA reviews.

While the absence of a Senate-confirmed official at CEQ doesn't prevent the White House from altering the review guidance it gives to agencies, the vacancy makes that harder to achieve without a leader to push for changes across the administration.

And putting the right people in place at CEQ to coordinate and prod agencies to speed the NEPA review process is the best way to achieve results, rather than simply issuing new guidance that reiterates established processes, according to many NEPA critics.

"We know from experience ... that when you dedicate yourself to trying to do a one-stop environmental review process, we know you can get final decisions within the one to two years that President Trump described in the State of the Union," said Jim Connaughton, who ran CEQ under former President George W. Bush.

That direction, he said, needs to come from the White House — preferably a Senate-confirmed person with the gravitas.

"I do believe at the top of this should be Senate-confirmed officials accountable in that process." Connaughton said.

Many agencies have delayed decisions on some of the biggest and most controversial projects for fear of a lawsuit, according to Eisenberg, and getting agencies to act will require better personnel and time management.

"It is just a lot of operational changes, and CEQ can and should be the agency to push that over the goal line," he said.

But every president has wanted CEQ to make operational changes to speed NEPA reviews, said Dinah Bear, who served as the politically appointed general counsel at CEQ for every president from Ronald Reagan to George W. Bush.

The real delays, according to Bear, are due to agency budgets, which have reduced the number of NEPA-trained workers, forcing fewer qualified employees to handle more permits or to outsource that work to slower contractors.

"When I began, there were departments and agencies that had multidisciplinary staff to implement NEPA. They had a regular training schedule for people who were actually implementing it. Most of that is gone now," said Bear, now an environmental attorney in Arizona.

However, her message that federal agencies need more money and more employees to hasten NEPA reviews hasn't proven popular, particularly among Republicans decrying regulations across the board.

"I absolutely think that the key to responsibly speeding up the environmental review process is implementation issues [and] agency capacity, not the rules and regulations," Bear said.

Environmentalists who have long relied on NEPA to block the projects they say are most damaging remain wary of any changes the Trump administration might make, and they agree that the best way to accelerate reviews is to simply increase agencies' ability to carry them out.

"The problem with infrastructure is not NEPA. There is a problem. It's very simple. If you want to build infrastructure, you have to write a check," said Scott Slesinger, legislative director for the Natural Resources Defense Council.

Any other changes to how NEPA is implemented are a smokescreen, Slesinger added.

"They want to gut NEPA. There's no 'making it more efficient.' They don't want NEPA," he said.

Lawmakers have already picked much of the low-hanging fruit when it comes to NEPA reform.

Congress approved some bipartisan streamlining changes to NEPA in the 2015 highway bill known as the FAST Act, which required projects to have a "coordinated project plan" that identifies which agency is in

charge and sets a permitting timeline. It also directed agencies to work on NEPA reviews concurrently, rather than sequentially, a move advocates say will speed the process.

The FAST Act also tweaked how NEPA reviews could be challenged, shorting the deadline to sue from six years to two and requiring judges to consider negative job impacts when deciding whether to issue an injunction against a project. And it created a federal steering council composed of representatives from various federal agencies that is charged with finding ways to streamline permitting.

The White House has not yet named a political appointee to run the office overseeing that council, although the job does not require Senate confirmation.

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[Back](#)

Refiners, union hit Trump plan to cut Chemical Safety Board [Back](#)

By Ben Lefebvre | 03/16/2017 11:54 AM EDT

The White House's proposal to get rid of the Chemical Safety Board is already drawing criticisms from refinery operators and workers.

The budget that Trump's team released today would eliminate the independent agency charged with investigating accidents involving hazardous materials at refineries. Past investigations include the 2015 explosion at the Exxon Mobil refinery in Torrance, Calif., and the 2010 fire at a Tesoro refinery in Washington that led to seven fatalities.

Refinery company sources told POLITICO they viewed the cut as drastic, even though the industry in general had bumped heads with the agency under its prior chairman.

But relations were improving under current leadership, said Stephen Brown, vice president and legislative counsel for federal government affairs at Tesoro, the country's fourth-largest refiner.

"I just think we'd like to see it better run, which is the way they're going," Brown said. "The industry's perspective on the CSB is that the agency, staffed with professional and experienced investigators, professionally administered — minus a knee-jerk hostility to industry agenda — would be a good thing for all concerned."

The agency itself has a budget that just tops \$10 million, and while its findings and recommendations are not binding, both the industry and union members working at the refineries take it seriously.

Eliminating the CSB would be "really quite stupid," said Michael Wright, the United Steelworkers' head of health, safety and environment.

"The CSB is probably one of the best deals in Washington if we compare their budget to the money they save and certainly the lives they save," Wright said. "Their recommendations have saved residents living as much as 20 miles downwind from toxic gas."

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[Back](#)

Draft White House memo would speed up infrastructure project permitting [Back](#)

By Andrew Restuccia | 02/10/2018 05:26 PM EDT

The White House is circulating a draft memo to more than a dozen federal agencies that would dramatically speed up the time it takes to secure environmental permits for infrastructure projects, according to a document obtained by POLITICO.

The draft memorandum of understanding, which is being reviewed by 17 federal agencies and is expected to be finalized soon, would help implement an executive order signed by President Donald Trump in August that set a goal of completing the environmental review process for major infrastructure projects within two years.

Faster permitting is expected to be one element of the infrastructure plan the White House is slated to unveil on Monday, though the inter-agency memorandum of understanding is not expected to be finalized in time for this week's rollout.

A White House spokeswoman did not immediately provide comment on the memo.

In order to more quickly green-light proposed bridges, pipelines and roads, the Trump administration — led by the White House Office of Management and Budget and the Council on Environmental Quality — has been working behind the scenes for weeks to establish a more streamlined process among the dozens of federal agencies that often have to weigh in before a project can move forward.

Among the changes: requiring that agencies conduct their individual reviews concurrently, rather than sequentially.

To achieve the two-year goal, the memorandum, a draft of which was viewed by POLITICO, says agencies will "commit to cooperate, communicate, share information, and resolve conflicts that could prevent meeting milestones."

The memo has three broad goals, according to the document: to "provide a more predictable, transparent and timely federal review and authorization process for delivering major infrastructure projects; establish standard operating procedures for how the federal government will make concurrent and synchronized reviews for major infrastructure projects; and eliminate duplication of effort among agencies, improve the efficiency of product delivery, make better-informed decisions and promote good environmental, community and economic outcomes."

Trump has long complained that applications for projects get bogged down in red tape, pointing to the nearly-decade long fight over the Keystone XL oil pipeline, which he approved in March.

"We built the Empire State Building in just one year," Trump said during his State of the Union address last month. "Isn't it a disgrace that it can now take 10 years just to get a minor permit approved for the building of a simple road?"

Environmental groups fear that the Trump administration is short-circuiting laws that require careful consideration of the environmental impacts of major infrastructure projects.

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[Back](#)

Democrats cool to setting time limit on environmental permitting [Back](#)

By Anthony Adragna | 02/09/2018 02:13 PM EDT

The Trump administration is set to roll out its infrastructure plan at the beginning of next week, but Democrats are already warning that any push to weaken the environmental permitting process won't fly in the Senate.

Senior Republicans and the White House have suggested capping the length of time for reviewing environmental permits at two years, and they hope they'll pressure the 10 Senate Democrats up for reelection this year in states won by President Donald Trump to back those efforts. But many Democrats fear the true reason for the time limits is to eviscerate environmental protections, and they vowed to oppose them.

"There's zero appetite for that. There may be a handful of Democrats that would support that but they'd also lose a couple of Republicans," [Brian Schatz](#) (D-Hawaii) told POLITICO. "I think they're just trying to subvert the National Environmental Policy Act and that's not going to work for us."

More than half a dozen Democrats said setting any sort of hard stop for the environmental permitting process would hit stiff opposition in their caucus, even though some moderates up for reelection promised to keep an open mind to any proposal. And Republicans will need bipartisan backing to clear the 60-vote threshold for passage in the Senate.

Environment and Public Works Chairman [John Barrasso](#) (R-Wyo.) has floated the idea of [automatically deeming the permits approved](#) if the federal government couldn't issue a decision within two years, and he plans to push forward on the committee's infrastructure work following release of the administration's principles.

"Chairman Barrasso will work on a bipartisan basis to pass legislation to address America's aging infrastructure. Streamlining the federal permitting process is a vital component of that," a spokesman for Barrasso said.

Democrats say they favor efforts to make environmental permitting more efficient, but setting tight deadlines won't fly.

"I think there's ways to talk about streamlining," [Maria Cantwell](#) (D-Wash.), ranking member of Energy and Natural Resources Committee, said. "I think setting a hard date on something like that is hard."

Democrats have argued Republicans scapegoat environmental permitting as the cause of the lengthy process, when many delays are actually due to local concerns, litigation unrelated to environmental reasons and understaffed federal agencies — like the [leaderless](#) White House Council on Environmental Quality.

"If they get their own house in order with respect to the interagency process not being such a botch, then they can solve a lot of those problems themselves without going after the environment," [Sheldon Whitehouse](#) (D-R.I.) said. "To the extent that if it's real streamlining, we're all going to be for it. ... But if the real target is allowing environmental damage then obviously that's where the line gets drawn."

Republicans complain that the current permitting process adds significant costs and delays much-needed infrastructure for getting built for years. Alex Herrgott, CEQ's associate director for infrastructure, said last month the average time for permitting infrastructure projects is 4.7 years.

Senior Republicans voiced support for setting time limits for the environmental permitting process, though they stopped short of committing to the two-year trigger floated by Barrasso. Both House Natural Resources Chairman Rob Bishop (R-Utah) and former Senate EPW Chairman Jim Inhofe (R-Okla.) said they favored time limits to the process, but aren't sure where to draw the line.

House Energy and Commerce Chairman Greg Walden (R-Ore.) told reporters the length of the current permitting process was harming U.S. competitiveness and said GOP lawmakers were "evaluating" the feasibility of mechanisms like a "shot clock" that would deem permits approved after a certain date.

"The goal here is, can you streamline the permitting process without reducing the evaluation on the impact on the environment? We all care about the environment," he said. "So we want to streamline — whether it's on pipelines, power lines, broadband."

Industry, too, has voiced support for improving the permitting process.

"What we have now is multiple permits that are required," Donald Santa, president of the Interstate Natural Gas Association of America, told the Senate Energy and Natural Resources Committee at a Thursday hearing. "The process can be coordinated more without violating statutes intended to protect the environment."

Some Republicans are wary of going too far in revamping infrastructure permitting, including Senate Energy Chairman Lisa Murkowski (R-Alaska), who urged her colleagues to be "smart" as they consider streamlining proposals so as not to sacrifice environmental protection:

"There is a shared interest in doing what we can to expedite some of this infrastructure through some aspect of regulatory reform or regulatory rollback, but I think if you push too far on some of the environmental safeguards that makes it very hard to get support that we need," she said last month.

Some red-state Democrats have voiced general support for reforms, while stressing they'd need to scrutinize any specific proposal.

"I think that right now the permit process takes way, way, way too long and that we absolutely need reforms in that direction," Heidi Heitkamp (D-N.D.) told POLITICO. "I'd have to take a look at what those reforms are."

Joe Manchin (D-W.Va.) said he would back legislation that to "solve what we're going through right now" in delays, while a spokesman for Joe Donnelly (D-Ind.) said he'd examine legislation.

But Claire McCaskill (D-Mo.), one of the most vulnerable incumbents and likely a must-have supporter for any infrastructure package, said the Trump administration had so far failed to implement a host of permitting tweaks in the 2015 highway bill known as the FAST Act.

"I've got to match up what they're proposing versus what we've already done," McCaskill said. "Some of it is duplicative — it's already in the law."

Among those modifications, crafted with input from the business and environmental communities, were instructions for federal agencies to work on NEPA reviews concurrently rather than sequentially, shortening the deadline for legal challenges under NEPA from six years to two and creating a federal steering council to examine ways of reducing permitting delays.

While they say they are open to looking at new infrastructure permitting plans, Democrats see an uphill trudge to the 60 votes needed for passage of an infrastructure package if language triggering a hard stop in the environmental permitting process gets included.

"Like a lot of ideas, it's not one that I've seen or heard much conversation about," [Tom Carper](#) (D-Del.), top Democrat on EPW, told POLITICO. "I'd be interested in better understanding it. I'd also be interested in understanding the drawbacks of doing something like that."

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[Back](#)

Second White House staffer resigns amid abuse allegations [Back](#)

By Andrew Restuccia | 02/09/2018 08:01 PM EDT

A second White House official has resigned over domestic abuse allegations, according to the White House.

Speechwriter David Sorensen, who worked at the Council on Environmental Quality, part of the Executive Office of the President, submitted his resignation after being confronted by White House officials, said deputy press secretary Raj Shah.

Sorensen's departure was first reported by the Washington Post.

It comes amid the ongoing fallout from the resignation of staff secretary Rob Porter following allegations from his two ex-wives that he was verbally and physically abusive during their marriages.

A White House official said his position did not require a security clearance and his background check was ongoing.

"Before we were contacted by the media, we learned last night that there were allegations," Shah said in a statement. "We immediately confronted the staffer, he denied the allegations and he resigned today."

Sorensen released a 12-page statement, [published](#) by a Daily Caller reporter, disputing the allegations.

"I want to be as unequivocal as possible: I have never committed violence of any kind against any woman in my entire life," he said. "My accuser can produce no authentic evidence, no legal record, and no witness to support her baseless and malicious claims of domestic violence on my part."

Sorensen, a former aide to Maine Republican Gov. Paul LePage, joined the White House last year.

The Post interviewed Sorensen's ex-wife, Jessica Corbett, who said he had been physically and verbally abusive. Corbett told the Post that she informed the FBI of his behavior.

In a [Medium post](#) published Friday, Corbett weighed in.

"I never set out to destroy my ex-husband's career. I felt myself lucky to escape my marriage relatively unscathed," Corbett wrote. "I was happy to leave that ugly period in my life behind and create a new existence

filled with optimism and hope. I would have left it alone but I knew deep down that other women weren't as fortunate and that I had to do something."

Daniel Strauss contributed to this article.

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[Back](#)

POLITICO Pro Q&A: EPA's David Ross [Back](#)

By Annie Snider | 02/09/2018 04:46 PM EDT

As the new head of EPA's water office, David Ross is the point man for some of Administrator Scott Pruitt's top priorities, from his "war on lead" to targeting investment in the nation's hidden water infrastructure to redefining the scope of federal water protections under the Clean Water Act.

A longtime water lawyer who has represented industry clients for a District of Columbia law firm and worked in state government in both Wyoming and Wisconsin, Ross says he's aiming to improve collaboration between federal and state regulators — an approach he's bringing to the contentious effort to rewrite the Waters of the U.S. rule. Still, he freely admits that "we're not going to make everybody happy."

In an interview a month after arriving at the agency, Ross said that he is "aggressively" going after nutrient pollution problems like those that plague Lake Erie, the Gulf of Mexico and local rivers and lakes across the country. But he says a true solution won't come from an approach driven by the Clean Water Act, but in more tailored, holistic solutions worked out at the local level.

The following transcript has been edited for length and clarity.

What are your priorities coming into this job?

I break them down in categories: It's drinking water, surface water quality and what I would consider the way we do business.

Having spent time in the states and seeing the way the federal government interacts with the states, I think we can do a better job in the relationship and the communication with the folks who are implementing our programs on a day-to-day basis. There are some frustrations out there in the states in how the last administration communicated with them. We use the word consultation ... and I'm trying to flip that word to engagement, where we have meaningful dialogue with the states, with the tribes, understanding their local, regional issues and how we can do a better job understanding their needs. It will help us do our jobs our better.

What about drinking water and water quality?

Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. The numbers vary, but [the] \$650 billion of capital investment that is needed to bring our systems up to speed ... those are huge numbers. I spent some time with the Conference of Mayors a couple weeks ago and heard from them about how much money they already spend on an annual basis in that world. Which is amazing, how much amazing investment they already do every day to protect our citizens, and yet we still have this gap.

I think it's great we have a president who is focused on it. Just having the president talk about it brings focus to it. In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water.

We're expecting a more detailed conversation around infrastructure with the administration's proposal coming out on Monday. How would you like to see the conversation focused when it comes to drinking water and wastewater infrastructure, and where do you see the State Revolving Funds fitting in?

I'll start there: the SRFs are, if you look back in history, what has been responsible for driving significant improvements in surface water quality and public health - drinking water quality. Those are amazing tools and I think they're even under appreciated in ... the real translation of federal dollars out to the states to use how they need. That is a really powerful tool. So, our job on the revolving loan fund space is to make sure we're using the money that Congress gives us as effectively and efficiently as possible. We've got a water finance center here at the agency that as part of my education process [I'm] learning about. Really smart people thinking creatively about how do we use the money as effectively as possible.

And then prioritization ... we can't do it all at once, and so how do we focus our resources where we can get the most immediate help? Having that conversation in an area where it's all important is difficult. For a citizen in Ohio or a citizen in Mississippi or California, day to day it's important to them. So how do you have a conversation about prioritization without discounting the importance to everybody?

So how do you envision prioritizing? What do you see as being the factors that go into that?

That's where you start to line it up with some of the other of the administration's priorities. Both what I'm hearing from the White House and this administrator is there's issues, like the war on lead. It's obviously a critical, critical public health issue for our most precious resources, which is our children. We have a Lead and Copper Rule that was done in 1991 and it has done an amazing job of getting the lead out of the water and really improving public health. Plus, if you look at the other media work that's been done — lead in gasoline and lead in paint — collectively the country's done an amazing job of getting this problem focused in on a much narrower target, but we still have work to do.

There is some major work to be done to update the Lead and Copper Rule to get after our remaining challenges. We still have lead service lines in this country. We still have in-home plumbing issues that create potential exposure pathways that we just have to take a long, hard look at solving ... And I'm thrilled that the administrator is providing some really, serious leadership in an area that is quite frankly challenging.

You'll [also] be hearing discussions about perfluorinated compounds starting to come up throughout the country and we're taking a serious look at it. So matching what you're hearing about public health issues and then some of the communities like rural communities are really struggling with financing wastewater and water upgrades and so how can we make sure that we're helping the rural communities where the funding is — it's harder to go generate through a rate increase out in rural America versus urban America, and so you have to think, the techniques that will be applied will be different based on the targeted community.

Waters of the U.S. has been another big [priority]. A lot of folks in the administration came in opposing the Obama administration rule, including you — you were involved in that litigation before hand — and it's been something that the administrator has been out talking about. [This week] he gave a speech to Texas water folks that was closed to press. A lot of these meetings are to groups that already agree with you and are often closed to the press. How are you going to convince a judge and the public that you're approaching this process with an open mind and without having already pre-decided?

If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not.

Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls. The past is past, my job is to see where the challenges are right now and how to solve them going forward.

Part of keeping an open mind is consultation or engagement. We have webinars coming up with some of our tribal members and some of our state members at the end of February. We're working with the Environmental Council of the States to bring in a representative sampling from across the country with the states that want to come in and talk with us about ideas coming forward and what they think the new rule might look like. And so that consultation piece is very important, hearing from our local communities.

There was an effort last year, long before I was here, where letters were sent out to the governors saying, 'Hey, give us some ideas,' because, having been in the states during the last administration, I think we probably could have done a better job gathering information as we try to solve problems going forward. It's a ridiculously difficult issue. I mean, we've been dealing with this for 40 years where the law is on the books, the statute was pretty open-ended, so how do you actually come to a workable definition of the jurisdiction of the Clean Water Act and stay within the statutory boundaries, and that's our job.

Clarity is the word that everybody uses on all sides ... Does this have to be something that a farmer with no particular training can go out in the field and implement himself?

Well, I think we should strive for that. I would love to get to a point where we could have a map that says, 'Hey, this is what is a federal water versus a state water.' Can we get there? I don't know. Public officials should be comfortable saying these are challenges we don't necessarily have the answer to but our job is to try to find out.

I would love to get to a space where someone out on the landscape can know, 'Yeah, I need to go to my state government or my federal government without having to go spend a lot of money to bring in outside consultants to tell me how to use my backyard.' That should be our objective, that's the clarity piece. Can we get there? I don't know. Our job is to try to get as close as we can. What's absolutely in, what's absolutely out and how do we provide clarity to the regulated community on what the gray area is and try and narrow down the gray area as much as possible.

Another one of the things that has made this such a tricky issue is the geographical variance around the country. If you do a strict interpretation of the Scalia opinion [in the 2006 Supreme Court *Rapanos* decision], you could have states out West where more than 90 percent of the waters aren't federally jurisdictional, and a lot of those states have laws on the books that say they can't regulate things at the state level beyond what's regulated federally. How do you grapple with that, and, if you do a strict Scalia interpretation that leaves those waters out, are you worried about a public backlash?

Regionalization and recognizing that different states have different water challenges is ultra-important. I have worked in California, I have lived in Vermont, I have lived in Wisconsin, I have worked in Wyoming, I have worked in the city, so I understand that water challenges on the East Coast are different from the Midwest and they're different from the South and they're different in the Mountain West and they're different on the West Coast, so trying to understand the different needs of the states is really important. What's an important water body in one state may have less of an influence in a different state. So trying to get at a regionalization concept, it's tough. But I'm at least willing to look at that.

There's a huge history that we're going to be informed [by]. And obviously the executive order mentioned the Scalia opinion and how we should be informed as we're doing the analysis ... We're implementing the executive

order, but how we come out, we're still working on that, and that's part of my job ... but we're not going to make everybody happy. There's so much emotional connection to this issue that's built up over 40 years because of the way the statute was written back in the 70s.

Water quality is one of the biggest challenges facing you. The president has promised us "crystal clean water." There's huge challenges around the country: Lake Erie has large toxic algae blooms each summer, as do the coasts of Florida, and local streams and lakes and rivers. What are you going to do to get where the president has promised to go?

One of my top priorities coming in is to take a look at nutrients. It is one of the most important and definitely the most challenging surface water quality issues that we have, and it's different in different parts of the country ... Sometimes phosphorus is the driver, sometimes nitrogen, sometimes both. And so I'm aggressively looking at the nutrient issues and am going to go after it holistically. The lens of: how do we regulate using the laser-like precision, using Clean Water Act tools specifically, loses an opportunity to look more holistically. How do you engage with the states, how do you engage with the [agricultural] community, both the people who grow crops and the people who provide products to the farmers who grow crops?

There are some really cool tools out there. Indiana, Iowa, all up and down the Mississippi basin, it's an interesting experiment. The direction is to solve the problem and just hearing from the states in the [Mississippi River/Gulf of Mexico] Hypoxia Task Force a couple weeks ago, each state is approaching it differently. And so the federal government has a role, the states have a role, the communities have a role, [the Department of Agriculture] has a role, and trying to get those people together on the same page and look holistically at it, it's something I'm going to spend a huge amount of my time on because it's a problem we have to solve.

There's a money problem there, too, right?

Huge amounts of money, and that's why you have to understand how to spend that money as effectively as possible. In some states it may be edge-of-field. In some states it may be edge-of-stream. In some states it may be the type of feed that's delivered or manure management in the upper watershed or [wastewater treatment plants] and septic [systems] in the Northwest. And so you have to understand that there are different drivers and so how do you focus the limited resources that folks have? Indiana has a great example where they've formed this alliance with The Nature Conservancy and the state [Department of Agriculture] and the local farm bureau and the state [agriculture] commissioners and the environmental community to get together to with an alliance to focus on bringing money to solve problems in that state focused on that state.

When you talk about nutrient problems, climate change feeds into that as well. The Chesapeake Bay is grappling with that at the moment. How do you see climate change fitting into the challenge of nutrients and broadly into your job at the water office?

That's a big question. In the nutrient space it's very challenging because there are presumptions made about direction and temperature that doesn't necessarily translate to individual water bodies. If people know nutrients, really know nutrients and what the drivers are, in some bodies it's temperature, in some it's flow, some it's color, some it's whether or not you've got a lot of leaf-fall and what organics come in, stratification in lakes, you name it... That's why individual states, individual watersheds, individual water bodies, you have to consider the drivers in those water bodies. So it's way too simplistic and overgeneralized to focus on one big ticket issue. To really understand the nutrients problem, you have to stay away from the overgeneralizations and one-size-fits-all mentality to really understand and solve the problem.

What about more broadly? [How do you see climate change playing into] your mandate in the water office?

You have the MS4 [stormwater pollution control] program, the combined sewer overflows, and all these different huge infrastructure challenges. If we're spending money to upgrade systems it's natural to want to also look at resiliency. So if you're going to do a massive capital outlay, your job is to look at how you're going to spend that money and is it going to hold up over the test of time for 50 years, if you're an individual decision maker with money. And so if you're in Florida and you're worried about differences in sea level, you have to build that into your [plan]. In the water space, climate change is about building it into your planning for the infrastructure.

I took a tour of the Mystic River urban watershed program [Wednesday] morning and there was a prime example of a redevelopment where there was a dam that stopped the sea water from going into the fresh water, and there's a local park there that needs to be redeveloped because there's some historic contamination and they're going to talk about spending \$1 million to upgrade it. They brought in kind of a resiliency piece [and discovered] that if they spend more money in that area, that could help provide kind of long-term protection to sea-level changes, you'll spend a lot less money in the upper watershed. So that's a prime example in that particular watershed about how the conversation at the local level, how that piece comes in, and we're going to have to do that throughout the decision making process in how we invest money in the infrastructure space. It's part of the natural planning that I think has to happen in local communities.

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Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/12/2018 5:10:57 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: FW: R1 water topic for today's 2:00 senior leaders meeting

FYI

From: Moraff, Kenneth
Sent: Monday, February 12, 2018 11:36 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Cc: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Subject: R1 water topic for today's 2:00 senior leaders meeting

Hi Benita – FYI, at today's senior leaders meeting, Alex plans to talk about the meeting she and Dave had with the Great Bay communities last week. Here's what we said in our weekly report:

RA and OW AA Meet with NH Communities to Hear Concerns About Nutrient Pollution and NPDES Permitting

- On February 6th, OW AA Dave Ross and RA Alex Dunn met with Portsmouth, Dover, and Rochester NH to discuss the communities' concerns about the NPDES permit process and potential nitrogen limits. The meeting was very productive. The communities presented their views on the latest scientific data about Great Bay. NHDES Commissioner Bob Scott and staff from the Senate and House delegation were all in attendance. A meeting was also held with representatives of the Conservation Law Foundation to hear their concerns.

Ken

Message

From: Lape, Jeff [lape.jeff@epa.gov]
Sent: 2/2/2018 7:48:48 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Grevatt, Peter [Grevatt.Peter@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]
CC: Frace, Sheila [Frace.Sheila@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]
Subject: Water Technology Assessments - Update

Just a quick note to update folks on OST-OWM's joint effort, on behalf of OW, to produce four Innovative Technology Assessments. Development of these are part of our ongoing effort to promote technology and innovation to accelerate our progress to clean and safe water.

These assessments document the status and current use of selected innovative technologies, with particular emphasis on operator/user perspective, especially as it relates to technology implementation strategies, performance, capital and O&M costs, and lessons learned. The information can help other facilities interested in considering these technologies, learning from the experiences of their peers. The reports under development will include a detailed literature review, a general assessment, and case studies using information gleaned from operators at up to nine facilities (per report).

The assessments under development (and their status) are:

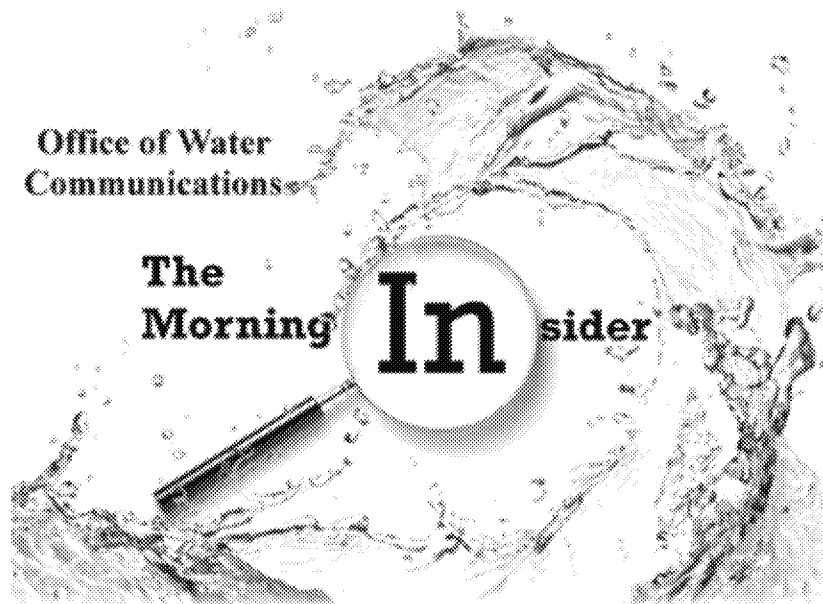
- *Operational Experiences with Struvite Harvesting at WWTPs* (draft under technical review)
- *Operational Experiences with Peracetic Acid for Disinfection of Municipal Wastewater* (draft under technical review)
- *Operational Experiences with Algae-Based Wastewater Treatment and Resource Recovery* (preparing draft for technical review)
- *Co-Anaerobic Digestion at WWTPs* (in data-gathering phase)

Experts from OST, OWM and ORD have generously participated in technical review of the assessments. A special thanks to Andrew and the OWM Team for their ongoing partnership on these technology assessments. If folks from OGWDW and OWOW would like to contribute to the review, just let me know.

Thanks
Jeff

Jeffrey Lape
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Subject: OW-Morning Insider



January 19, 2018

NEWS:

GREENWIRE

Agency dodged water safety program reports since 2006 — IG

U.S. EPA failed for 12 years to turn over documents to Congress regarding its grants under a program to monitor coastal water safety, the agency's inspector general has found.

Under the Beaches Environmental Assessment and Coastal Health (BEACH) Act, EPA provides grants to help states monitor coastal water quality and notifies the public of contamination problems.

The missing reports would "inform Congress and the public about efforts to implement the act, the need for additional water quality indicators, and the need for improved monitoring methodologies," according to the IG.

Issues with reporting date back to the George W. Bush administration and continue into the present, the IG found. EPA last submitted its required quadrennial report about the BEACH Act to Congress in 2006. Later, in fiscal 2013, the Obama administration did not request further funding for the program's grants, saying the program was "mature."

In September 2017, EPA said in its budget submission to the Office of Management and Budget for fiscal 2019 that reports related to this program should not be necessary, according to the IG's report.

Because Congress still funds the program, the IG said the reporting requirement remains.

EPA's Office of Water told the IG it plans to "await the White House's response to that request before initiating another report."



High Court CWA Suit Poses Test For Gorsuch On Deference, States' Rights

Entire Article: <https://insideepa.com/daily-news/high-court-cwa-suit-poses-test-gorsuch-deference-states-rights>

A pending Supreme Court petition challenging EPA's rule exempting transfers of one body of water to another from Clean Water Act (CWA) permit protections poses a test for how Justice Neil Gorsuch will balance his opposition to deferring to agencies' decisions with his support for the rights of the states that back the rule, observers say.

"How Justice Gorsuch votes on New York's petition may well provide an early test of the strength of the justice's stated convictions," Harvard Law School professor Richard Lazarus wrote recently in [a recent article](#) for the Environmental Law Institute's journal, *The Environmental Forum*.

Gorsuch, who won praise from conservatives for his [opposition to Chevron deference](#) when President Donald Trump nominated him to the Supreme Court, may soon be called on to state his views on the issue when the high court considers a petition for a writ of *certiorari* filed by New York, other Democratic states and environmental groups seeking to overturn the decision upholding the rule.

EPA is due to respond to the *cert* petition in *New York, et al., v. EPA, et al.*, on Jan. 19, posing questions of CWA interpretation and agency deference for the justices to consider when they vote on whether to review the suit.

Critics of the Bush EPA's water transfer rule, which also include environmentalists, are contesting a U.S. Court of Appeals for the 2nd Circuit split ruling from January 2017 that rejected challenges to the policy.

If the high court does review [the suit](#) it would set up a ruling on the long-running dispute over whether water transfers qualify as "discharges" subject to permits under the CWA, which has produced multiple appellate and district court rulings.

And it would also pose a test for the justices on broader issue of when courts should defer to agencies' interpretations of unclear statutory text, known as *Chevron* deference.

However, Gorsuch has been seen not just as a *Chevron* opponent but as a supporter of Western states' interests, which could pose a conflict in the transfer case because his native Colorado and other states in the arid West are supporting the lower court's use of *Chevron* deference.

As a result, he would have to weigh whether his support for the rights of states that back the rule outweigh his opposition to deferring to EPA's interpretation of the CWA that Democratic states claim is an unlawful reading of the law.

“Should Gorsuch adhere to his view of both the conclusive role of statutory text and the impropriety of Chevron deference in judicial review of agency interpretation, there is good reason to expect he would support the [transfer rule’s] challengers on the merits. Yet, hailing from Colorado, where such water transfers are routine, the justice’s personal policy preferences are likely sympathetic to EPA’s contrary position,” Lazarus wrote in his article.

Detroit Free Press

PART OF THE USA TODAY NETWORK

EPA wants more data on Lake Erie pollution

WASHINGTON — Federal regulators want more complete data from Ohio regarding pollution levels in Lake Erie after state

officials left it off a list of impaired waterways despite a recent history of toxic algae blooms in the western end of the lake.

The U.S. Environmental Protection Agency last week sent a letter to Ohio officials saying it was reconsidering the state's proposed list of impaired waterways, saying it did not satisfy requirements to provide "all existing and readily available data and information regarding nutrients in the open waters of Lake Erie."

The letter became public late Wednesday.

Nutrients such as phosphorous and nitrogen from runoff into waterways cause algae to grow, decreasing oxygen levels in the water needed by aquatic life and creating pollution. In 2014, nearly half a million people in northwestern Ohio and southeastern Michigan saw water service interrupted during a large toxic algae bloom.

While Michigan proposed characterizing Lake Erie as an impaired waterway, Ohio did not. By reconsidering Ohio's assessment now, it may increase the likelihood of both states being required to come up with regional plans to address pollution control in the western Lake Erie basin.

"EPA is finally taking a first step toward protecting the drinking water 11 million people in Michigan, Ohio and throughout the Great Lakes region rely upon," said U.S. Rep. Debbie Dingell, D-Dearborn, who in November 2016 had asked the EPA to disregard Ohio's determination and list the lake as impaired.

"Failure to recognize these waters as impaired puts public health and the Great Lakes economy at risk," Dingell, who sent her earlier letter to the EPA along with U.S. Rep. Marcy Kaptur, D-Ohio, said Thursday. "There is no line of separation in Lake Erie and it is clear that EPA must take a proactive approach in confronting this challenge."

In its letter, however, EPA did not necessarily say it would not again approve a list of impaired waters from Ohio that did not include Lake Erie, in fact noting that the law provides that a state "may decide not to rely on particular sources of data" in making such a determination. But the EPA said the state is required to at least "assemble and evaluate all existing and readily available" data before making it.

Dingell and Kaptur noted that EPA's reconsideration may have come in response to a federal lawsuit filed in Ohio asking a judge to order the agency to formally rule that the western basin of Lake Erie is impaired.

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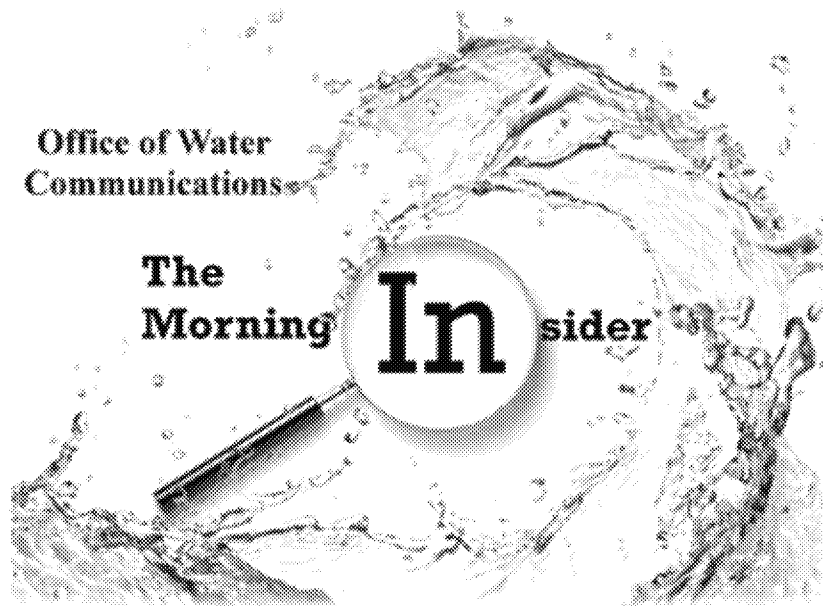
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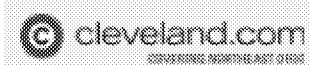
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Subject: OW- Morning Insider



January 18, 2018

NEWS:



EPA overturns approval of Ohio's decision to omit its Lake Erie from 'impaired' waters list

Entire Article: http://www.cleveland.com/court-justice/index.ssf/2018/01/epa_overturns_approval_of_ohio_1.html

CLEVELAND, Ohio -- The U.S. Environmental Protection Agency withdrew its approval of Ohio's decision to keep Lake Erie off a list of impaired bodies of water, which rankled environmentalists who pointed to harmful algal blooms contained within the lake.

The U.S. EPA's reversal of its May decision was memorialized in a letter sent Friday to Ohio EPA Director Craig Butler and filed in federal court by the Environmental Law & Policy Center. The organization is suing the U.S. EPA over its initial approval Ohio's biennial impaired waters list.

The letter, written by Assistant Administrator David Ross, says the U.S. EPA re-evaluated the Lake Erie designation "and determined that the submission is incomplete and thus not fully consistent with the requirements of ... the Clean Water Act and EPA's regulations." It says Ohio did not show that it compiled all the necessary data to say its portion of the lake was not impaired.

The letter asks the Ohio EPA to perform a new evaluation of the state's portion of Lake Erie and send it by April 9.



NAS prepares to examine *Legionella* in drinking water systems

Entire Article: <https://insideepa.com/daily-feed/nas-prepares-examine-legionella-drinking->

[water-systems](#)

The National Academy of Sciences (NAS) is preparing to launch a study sponsored by EPA and others on preventing and controlling *Legionella* in water systems, following an “unprecedented” outbreak of Legionnaires' disease during the Flint, MI, water crisis and EPA's determination in 2016 that its *Legionella* drinking water rule is a candidate for revision.

The *ad hoc* NAS panel, chaired by Joan Rose of Michigan State University, is scheduled to hold its first meeting Feb. 8 to discuss a number of areas related to *Legionella*, bacterium that at a high enough concentrations and when inhaled, can cause legionellosis, which includes Legionnaires’ disease and Pontiac fever.

EPA is sponsoring the study along with the Centers for Disease Control and Prevention, Department of Veterans Affairs and the Alfred P. Sloan Foundation.

The statement of task asks the panel to review the state of science and issue a report that describes the microbial ecology of water supplies; identifies primary sources and routes of human exposure to *Legionella*; evaluates effective strategies for controlling and preventing *Legionella*; reviews policies, codes, and guidelines that affect control and prevention of legionellosis and identifies gaps in research and needs for additional research.

Last year, researchers at Virginia Tech published a paper in the American Chemical Society's *Environmental Science & Technology* journal that hypothesizes that the increase in reported Legionnaires’ disease from June 2014 to November 2015 in Genesee County, MI, where Flint is located was directly linked to the switch to corrosive Flint River water from noncorrosive Detroit water from April 2014 to October 2015.

The Michigan Department of Health and Human Services in January 2016 announced that there had been a total of 91 cases of legionellosis and 12 deaths in Genesee County during the time period, an outbreak that Virginia Tech researchers discussing their study at the annual meeting of the Society for Risk Analysis in Arlington, VA, Dec. 10-14 said was “unprecedented.”

Additionally, EPA in its most recent six-year review of its Safe Drinking Water Act (SDWA) regulations in 2016 included its *Legionella* primary drinking water rule with seven other SDWA rules as candidates for revisions due to new information on health effects, treatment technologies, analytical methods, occurrence and exposure and/or other factors that could improve public health protection.



EPA Awards \$2.1 Million to Protect, Restore California Wetlands and Streams

The U.S. Environmental Protection Agency has awarded more than \$2.1 million in grants to protect and restore wetlands and streams across California. The support of these aquatic resources can help improve water quality, fish and wildlife habitat, flood protection, and recreational opportunities.

EPA's San Francisco Bay Water Quality Improvement Fund will give Napa County \$822,000 for restoration work along the Napa River and to help with the development of restoration designs for an additional 36 acres of riparian forest, 8 acres of freshwater wetlands, and 6,800 linear feet of streambank. The project is part of Napa County's broader effort to restore 14 miles of the Napa River and improve flood protection and steelhead trout habitat and will use 91,000 native plants to revegetate and enhance 11 acres of riparian forest and 5 acres of freshwater wetlands.

The following projects were also awarded wetland program development grants by the EPA:

Southern California Coastal Water Research Project received a combined \$670,403 for two projects. The first project will develop, refine, and validate tools to better assess ephemeral stream conditions in California and Arizona. The second project will develop a method for quickly assessing biologic community composition and conditions in streams and wetlands using genetic information in water samples, which can improve the ability to measure restoration success across aquatic habitats.

Sacramento-San Joaquin Delta Conservancy received \$300,000 for an evaluation of wetlands in the Delta and Suisun Marsh. The results will enable assessments of regional and statewide change in the abundance, diversity, and condition of wetlands due to land use.

California State Coastal Conservancy received \$275,000 to assess salt marsh vulnerability to sea-level rise and the impacts of marsh retreat on carbon sequestration (long-term storage) in Humboldt Bay. This information will be used to manage water quality and wetlands in the estuary, and to support development of a long-term program for the beneficial reuse of dredging sediments.



WATER ONLINE

NSF International Renews Partnership with EPA To Minimize Decentralized Wastewater System Risks

Entire Article: <https://www.wateronline.com/doc/nsf-international-renews-epa-minimize-decentralized-wastewater-risks-0001>

NSF International, a global public health and safety organization, signed a memorandum of understanding (MOU) with the United States Environmental Protection Agency (EPA) and 18 other organizations to help protect the nation's public health and water resources.

The MOU helps homeowners, building owners and regulatory officials improve the management of decentralized wastewater systems. It adds three years to a collaborative partnership that was first signed by NSF International in 2014.

According to the 2015 U.S. Census Bureau's American Housing Survey, approximately one in five homes are served by individual decentralized or onsite wastewater systems, commonly known as septic systems. If not properly maintained, they can adversely affect aquifers, drinking water wells, rivers and lakes. According to the EPA, approximately half of existing decentralized systems are more than 30 years old and may malfunction at any given time, which poses a significant environmental and public health challenge.

The 2017 Decentralized Wastewater Management MOU renews the EPA and signatory organizations' commitment to promote public awareness, provide training and certification, and support education related to maintenance of decentralized or onsite wastewater systems. These resources are provided to state and local governments as well as decentralized wastewater system inspectors, service professionals and operators.

"NSF International developed the first national standards for onsite wastewater treatment over 40 years ago, and along with its performance certification programs, continues its partnership with the EPA to raise awareness about this critical sanitation issue," said Sharon Steiner, Program Manager of Water and Wastewater Systems at NSF International. "In collaboration with the EPA and the other participating organizations, NSF International will educate the industry and local governments about the role of septic systems and the health implications that may result if systems are not properly maintained."

NSF International recommends having a decentralized or septic system evaluated and certified by a service professional every three years. NSF International tests and certifies onsite septic systems and provides inspector accreditation.

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January 12, 2018

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January 11, 2018

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January 10, 2018

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Subject: FW: POLITICO Pro Q&A: EPA's David Ross

Hey guys wanted to make sure you saw this in case you don't get these alerts.

From: Annie Snider [mailto:asnider@politico.com]
Sent: Friday, February 9, 2018 5:05 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: Fwd: POLITICO Pro Q&A: EPA's David Ross

Just wanted to make sure you got this. Have a good weekend --

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro" <politicoemail@politicopro.com>
Date: February 9, 2018 at 4:48:10 PM EST
To: <asnider@politico.com>
Subject: POLITICO Pro Q&A: EPA's David Ross
Reply-To: "POLITICO subscriptions" <reply-fe9913737160047975-1162245_HTML-663503561-1376319-0@politicoemail.com>

POLITICO Pro Q&A: EPA's David Ross

By Annie Snider

02/09/2018 04:46 PM EDT

As the new head of EPA's water office, David Ross is the point man for some of Administrator Scott Pruitt's top priorities, from his "war on lead" to targeting investment in the nation's hidden water infrastructure to redefining the scope of federal water protections under the Clean Water Act.

A longtime water lawyer who has represented industry clients for a District of Columbia law firm and worked in state government in both Wyoming and Wisconsin, Ross says he's aiming to improve collaboration between federal and state regulators — an approach he's bringing to the contentious effort to rewrite the Waters of the U.S. rule. Still, he freely admits that "we're not going to make everybody happy."

In an interview a month after arriving at the agency, Ross said that he is "aggressively" going after nutrient pollution problems like those that plague Lake Erie, the Gulf of Mexico and local rivers and lakes across the country. But he says a true solution won't come from an approach driven by the Clean Water Act, but in more tailored, holistic solutions worked out at the local level.

The following transcript has been edited for length and clarity.

What are your priorities coming into this job?

I break them down in categories: It's drinking water, surface water quality and what I would consider the way we do business.

Having spent time in the states and seeing the way the federal government interacts with the states, I think we can do a better job in the relationship and the communication with the folks who are implementing our programs on a day-to-day basis. There are some frustrations out there in the states in how the last administration communicated with them. We use the word consultation ... and I'm trying to flip that word to engagement, where we have meaningful dialogue with the states, with the tribes, understanding their local, regional issues and how we can do a better job understanding their needs. It will help us do our jobs our better.

What about drinking water and water quality?

Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. The numbers vary, but [the] \$650 billion of capital investment that is needed to bring our systems up to speed ... those are huge numbers. I spent some time with the Conference of Mayors a couple weeks ago and heard from them about how much money they already spend on an annual basis in that world. Which is amazing, how much amazing investment they already do every day to protect our citizens, and yet we still have this gap.

I think it's great we have a president who is focused on it. Just having the president talk about it brings focus to it. In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water.

We're expecting a more detailed conversation around infrastructure with the administration's proposal coming out on Monday. How would you like to see the conversation focused when it comes to drinking water and wastewater infrastructure, and where do you see the State Revolving Funds fitting in?

I'll start there: the SRFs are, if you look back in history, what has been responsible for driving significant improvements in surface water quality and public health - drinking water quality. Those are amazing tools and I think they're even under appreciated in ... the real translation of federal dollars out to the states to use how they need. That is a really powerful tool. So, our job on the revolving loan fund space is to make sure we're using the money that Congress gives us as effectively and efficiently as possible. We've got a water finance center here at the agency that as part of my education process [I'm] learning about. Really smart people thinking creatively about how do we use the money as effectively as possible.

And then prioritization ... we can't do it all at once, and so how do we focus our resources where we can get the most immediate help? Having that conversation in an area where it's all important is difficult. For a citizen in Ohio or a citizen in Mississippi or California, day to day it's important to them. So how do you have a conversation about prioritization without discounting the importance to everybody?

So how do you envision prioritizing? What do you see as being the factors that go into that?

That's where you start to line it up with some of the other of the administration's priorities. Both what I'm hearing from the White House and this administrator is there's issues, like the war on

lead. It's obviously a critical, critical public health issue for our most precious resources, which is our children. We have a Lead and Copper Rule that was done in 1991 and it has done an amazing job of getting the lead out of the water and really improving public health. Plus, if you look at the other media work that's been done — lead in gasoline and lead in paint — collectively the country's done an amazing job of getting this problem focused in on a much narrower target, but we still have work to do.

There is some major work to be done to update the Lead and Copper Rule to get after our remaining challenges. We still have lead service lines in this country. We still have in-home plumbing issues that create potential exposure pathways that we just have to take a long, hard look at solving ... And I'm thrilled that the administrator is providing some really, serious leadership in an area that is quite frankly challenging.

You'll [also] be hearing discussions about perfluorinated compounds starting to come up throughout the country and we're taking a serious look at it. So matching what you're hearing about public health issues and then some of the communities like rural communities are really struggling with financing wastewater and water upgrades and so how can we make sure that we're helping the rural communities where the funding is — it's harder to go generate through a rate increase out in rural America versus urban America, and so you have to think, the techniques that will be applied will be different based on the targeted community.

Waters of the U.S. has been another big [priority]. A lot of folks in the administration came in opposing the Obama administration rule, including you — you were involved in that litigation before hand — and it's been something that the administrator has been out talking about. [This week] he gave a speech to Texas water folks that was closed to press. A lot of these meetings are to groups that already agree with you and are often closed to the press. How are you going to convince a judge and the public that you're approaching this process with an open mind and without having already pre-decided?

If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not.

Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls. The past is past, my job is to see where the challenges are right now and how to solve them going forward.

Part of keeping an open mind is consultation or engagement. We have webinars coming up with some of our tribal members and some of our state members at the end of February. We're working with the Environmental Council of the States to bring in a representative sampling from across the country with the states that want to come in and talk with us about ideas coming forward and what they think the new rule might look like. And so that consultation piece is very important, hearing from our local communities.

There was an effort last year, long before I was here, where letters were sent out to the governors saying, 'Hey, give us some ideas,' because, having been in the states during the last administration, I think we probably could have done a better job gathering information as we try to solve problems going forward. It's a ridiculously difficult issue. I mean, we've been dealing with this for 40 years where the law is on the books, the statute was pretty open-ended, so how do you actually come to a workable definition of the jurisdiction of the Clean Water Act and stay within the statutory boundaries, and that's our job.

Clarity is the word that everybody uses on all sides ... Does this have to be something that a farmer with no particular training can go out in the field and implement himself?

Well, I think we should strive for that. I would love to get to a point where we could have a map that says, 'Hey, this is what is a federal water versus a state water.' Can we get there? I don't know. Public officials should be comfortable saying these are challenges we don't necessarily have the answer to but our job is to try to find out.

I would love to get to a space where someone out on the landscape can know, 'Yeah, I need to go to my state government or my federal government without having to go spend a lot of money to bring in outside consultants to tell me how to use my backyard.' That should be our objective, that's the clarity piece. Can we get there? I don't know. Our job is to try to get as close as we can. What's absolutely in, what's absolutely out and how do we provide clarity to the regulated community on what the gray area is and try and narrow down the gray area as much as possible.

Another one of the things that has made this such a tricky issue is the geographical variance around the country. If you do a strict interpretation of the Scalia opinion [in the 2006 Supreme Court *Rapanos* decision], you could have states out West where more than 90 percent of the waters aren't federally jurisdictional, and a lot of those states have laws on the books that say they can't regulate things at the state level beyond what's regulated federally. How do you grapple with that, and, if you do a strict Scalia interpretation that leaves those waters out, are you worried about a public backlash?

Regionalization and recognizing that different states have different water challenges is ultra-important. I have worked in California, I have lived in Vermont, I have lived in Wisconsin, I have worked in Wyoming, I have worked in the city, so I understand that water challenges on the East Coast are different from the Midwest and they're different from the South and they're different in the Mountain West and they're different on the West Coast, so trying to understand the different needs of the states is really important. What's an important water body in one state may have less of an influence in a different state. So trying to get at a regionalization concept, it's tough. But I'm at least willing to look at that.

There's a huge history that we're going to be informed [by]. And obviously the executive order mentioned the Scalia opinion and how we should be informed as we're doing the analysis ... We're implementing the executive order, but how we come out, we're still working on that, and that's part of my job ... but we're not going to make everybody happy. There's so much emotional connection to this issue that's built up over 40 years because of the way the statute was written back in the 70s.

Water quality is one of the biggest challenges facing you. The president has promised us "crystal clean water." There's huge challenges around the country: Lake Erie has large toxic algae blooms each summer, as do the coasts of Florida, and local streams and lakes and rivers. What are you going to do to get where the president has promised to go?

One of my top priorities coming in is to take a look at nutrients. It is one of the most important and definitely the most challenging surface water quality issues that we have, and it's different in different parts of the country ... Sometimes phosphorus is the driver, sometimes nitrogen, sometimes both. And so I'm aggressively looking at the nutrient issues and am going to go after it holistically. The lens of: how do we regulate using the laser-like precision, using Clean Water Act tools specifically, loses an opportunity to look more holistically. How do you engage with the states, how do you engage with the [agricultural] community, both the people who grow crops and the people who provide products to the farmers who grow crops?

There are some really cool tools out there. Indiana, Iowa, all up and down the Mississippi basin, it's an interesting experiment. The direction is to solve the problem and just hearing from the states in the [Mississippi River/Gulf of Mexico] Hypoxia Task Force a couple weeks ago, each state is approaching it differently. And so the federal government has a role, the states have a role, the communities have a role, [the Department of Agriculture] has a role, and trying to get those people together on the same page and look holistically at it, it's something I'm going to spend a huge amount of my time on because it's a problem we have to solve.

There's a money problem there, too, right?

Huge amounts of money, and that's why you have to understand how to spend that money as effectively as possible. In some states it may be edge-of-field. In some states it may be edge-of-stream. In some states it may be the type of feed that's delivered or manure management in the upper watershed or [wastewater treatment plants] and septic [systems] in the Northwest. And so you have to understand that there are different drivers and so how do you focus the limited resources that folks have? Indiana has a great example where they've formed this alliance with The Nature Conservancy and the state [Department of Agriculture] and the local farm bureau and the state [agriculture] commissioners and the environmental community to get together to with an alliance to focus on bringing money to solve problems in that state focused on that state.

When you talk about nutrient problems, climate change feeds into that as well. The Chesapeake Bay is grappling with that at the moment. How do you see climate change fitting into the challenge of nutrients and broadly into your job at the water office?

That's a big question. In the nutrient space it's very challenging because there are presumptions made about direction and temperature that doesn't necessarily translate to individual water bodies. If people know nutrients, really know nutrients and what the drivers are, in some bodies it's temperature, in some it's flow, some it's color, some it's whether or not you've got a lot of leaf-fall and what organics come in, stratification in lakes, you name it... That's why individual states, individual watersheds, individual water bodies, you have to consider the drivers in those water bodies. So it's way too simplistic and overgeneralized to focus on one big ticket issue. To really understand the nutrients problem, you have to stay away from the overgeneralizations and one-size-fits-all mentality to really understand and solve the problem.

What about more broadly? [How do you see climate change playing into] your mandate in the water office?

You have the MS4 [stormwater pollution control] program, the combined sewer overflows, and all these different huge infrastructure challenges. If we're spending money to upgrade systems it's natural to want to also look at resiliency. So if you're going to do a massive capital outlay, your job is to look at how you're going to spend that money and is it going to hold up over the test of time for 50 years, if you're an individual decision maker with money. And so if you're in Florida and you're worried about differences in sea level, you have to build that into your [plan]. In the water space, climate change is about building it into your planning for the infrastructure.






I took a tour of the Mystic River urban watershed program [Wednesday] morning and there was a prime example of a redevelopment where there was a dam that stopped the sea water from going into the fresh water, and there's a local park there that needs to be redeveloped because there's some historic contamination and they're going to talk about spending \$1 million to upgrade it. They brought in kind of a resiliency piece [and discovered] that if they spend more money in that area, that could help provide kind of long-term protection to sea-level changes, you'll spend a lot less money in the upper watershed. So that's a prime example in that particular

watershed about how the conversation at the local level, how that piece comes in, and we're going to have to do that throughout the decision making process in how we invest money in the infrastructure space. It's part of the natural planning that I think has to happen in local communities.

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<https://www.politicopro.com/settings>

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Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 3/1/2018 3:18:57 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Ross, David P [ross.davidp@epa.gov]
CC: Lousberg, Macara [Lousberg.Macara@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: RE: more talking points due Thursday at noon to OA

Importance: High

Dave,

For your review at the talking points and background information requested by the AO. I highlighted the content that is new.

I included R4's content at the bottom for your awareness. They are sending that content up to the AO so we don't need to. Please let me know if you have any edits or questions. -Allison

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Drinkard, Andrea

Sent: Tuesday, February 27, 2018 7:30 PM

To: Ross, David P <ross.davidp@epa.gov>

Cc: Lousberg, Macara <Lousberg.Macara@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: Re: more talking points due Thursday at noon to OA

We'll take this one. We'll also cross check with R4 to make sure we're on the same page for the OW/R4 issue. Thanks.

Sent from my iPhone

On Feb 27, 2018, at 7:26 PM, Ross, David P <ross.davidp@epa.gov> wrote:

We've been asked to review existing talking points, provide updates, and address additional questions for a meeting the Administrator has at the end of this week. The following is the list of issues and some existing talking points. Please address.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 2/23/2018 5:48:06 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: For your awareness: ORD 3/1 Press Release on Nutrient Sensor Action Challenge
Attachments: Nutrient Sensor Action Challenge Stage II Launch v3 (NRCsedit).docx

Hi Dave and Lee,

Attached and pasted below is a press release that ORD plans to issue via OPA on March 1st that kicks off the next part of an existing multi-federal agency water quality challenge. While the challenge is led by ORD, OW has some involvement

Ex. 5 Deliberative Process (DP) and since its about nutrient pollution, ORD has coordinated with us on its messaging.

Please let me know if you have any edits or concerns with the release below or the challenge itself. -Allison

Federal Partnership Kicks Off Next Phase of Water Quality Challenge

Ex. 5 Deliberative Process (DP)

Allison Dennis
Deputy Communications Director
Office of Water

U.S. Environmental Protection Agency

Office: 202-564-1985

Cell: Ex. 6 Personal Privacy (PP)

Dennis.Allison@epa.gov

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 2/5/2018 7:14:59 PM
To: Ross, David P [ross.davidp@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]
Subject: Article in paper about our meeting tomorrow

Sent from my iPhone

Alexandra Dapolito Dunn, J.D. , Regional Administrator

Region 1 New England. *This email is for official EPA business only and is subject to disclosure under the Freedom of information Act*

By Kyle Stucker kstucker@seacoastonline.com

Posted Feb 3, 2018 at 5:24 PM

Updated Feb 3, 2018 at 5:24 PM

DOVER -- Representatives of the Environmental Protection Agency will meet with Dover, Portsmouth

and Rochester officials in Dover on Tuesday to hear the communities' concerns about potential regulatory

changes pertaining to nitrogen discharge into the Great Bay estuary.

At 3 p.m. Tuesday, representatives of the three cities, which comprise a municipal group known as the

Great Bay Coalition, will meet with EPA Region 1 Administrator Alexandra Dunn and David Ross, who

serves as assistant administrator for the EPA's Office of Water in Washington.

The cities claim they will incur millions of dollars in fiscal and economic hardship should the EPA require

them to meet stricter nitrogen limits for the wastewater they discharge into the estuary. The cities also

question the science the EPA would use as the basis for such a change. The change is on the table as a

potential approach for further reducing the nitrogen-caused nutrient loading that environmental experts

say is hurting the estuary's eelgrass populations and overall health.

"We want to make sure the money we have to put into the reduction of nitrogen in our effluent (is

needed)," said Terry Desmarais, Portsmouth's city engineer. "We need to make sure the science has been

done appropriately and is defensible in how we're being regulated."

Eelgrass, nitrogen discharge and nutrient loading have been the subject of numerous discussions, public

meetings and even court cases involving the coalition, EPA and New Hampshire Department of

Environmental Services and the Conservation Law Foundation over the years.

It's unclear whether Tuesday's meeting will be a public session or a nonpublic session. Officials deferred

comment about the location and openness of the meeting to the city of Dover, the host of the session.

Dover City Manager Mike Joyal couldn't be reached for comment by end of day Saturday.

Tuesday's meeting will come after, but not as a direct result of, a letter Gov. Chris Sununu sent to EPA

Administrator Scott Pruitt on Jan. 24. Sununu's letter invites Pruitt to New Hampshire to discuss the

various issues and concerns the Great Bay Coalition raised to him during a nonpublic meeting in January.

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 1/23/2018 10:25:35 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]
CC: Connors, Sandra [Connors.Sandra@epa.gov]; Wall, Tom [Wall.Tom@epa.gov]; Havard, James [Havard.James@epa.gov]
Subject: FW: Ohio Update for the Administrator including recent status conference with the Court

Folks—for your situational awareness.

Ex. 5 Deliberative Process (DP)

Thanks,
John

From: Wall, Tom
Sent: Tuesday, January 23, 2018 4:45 PM
To: Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Havard, James <Havard.James@epa.gov>
Subject: FW: Ohio Update for the Administrator including recent status conference with the Court

John and Sandra, below is a note that OGC prepared for DaveF to send to the Administrator. Note in particular highlighted text. You may wish to share with Dave, Benita and Lee:

From: Glazer, Thomas
Sent: Tuesday, January 23, 2018 3:05 PM
To: Havard, James <Havard.James@epa.gov>
Cc: Lewicki, Chris <Lewicki.Chris@epa.gov>; Monschein, Eric <Monschein.Eric@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Subject: RE: Ohio Update

Jim: here is an updated version.

Best,
Tom

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 1/22/2018 6:22:35 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Ohio 303(d) update

This morning, DOJ participated in a court-ordered status conference in *Environmental Law & Policy Center et al. v. EPA et al.*, No. 3:17-cv-1514 (N.D. Ohio).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Sent from my iPhone

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 1/18/2018 4:26:51 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Fuld, John [Fuld.John@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Lynn, Tricia [lynn.tricia@epa.gov]
Subject: Re: FYI...Ohio 303 Clips

Thanks

Sent from my iPhone

On Jan 18, 2018, at 11:25 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

EPA overturns approval of Ohio's decision to omit its Lake Erie from ...

www.cleveland.com/court-justice/index.../epa_overturns_approval_of_ohio_1.html

16 hours ago - The U.S. **Environmental Protection Agency** withdrew its approval of **Ohio's decision** to keep **Lake Erie** off a list of **impaired** bodies of **water**, which rankled ... this summer in **western Lake Erie**, a threat that two years ago made tap **water** temporarily undrinkable in Toledo and parts of southeastern Michigan.

Federal EPA reverses course on 'voluntary' algae reduction plan - The ...

www.toledoblade.com/local/2018/01/17/Federal-EPA-admits-it-was-wrong.html

10 hours ago - "The U.S. **EPA** now admits it was wrong to accept **Ohio's decision**, and environmental groups that filed a lawsuit in Federal District Court want Judge James Carr to order the U.S. **EPA** to formally rule the **western** basin **impaired** and begin a cleanup with mandatory goals and deadlines," Advocates for a Clean **Lake Erie** said ...

We will update this list if/when more come in.

Lake Erie algae: US agency reverses course on decision

www.news-herald.com/general.../lake-erie-algae-us-agency-reverses-course-on-decisi...

2 hours ago - TOLEDO, Ohio >> The U.S. **Environmental Protection Agency** says it shouldn't have approved **Ohio's** recommendation not to declare **Ohio's western** end of ... Several environmental groups have sued **EPA** saying the **lake** should be classified **impaired** because algae blooms are preventing the **waters** from ...

Morning Headlines: US EPA Revisits Decision on Lake Erie Impairment

wksu.org/.../morning-headlines-us-epa-revisits-decision-lake-erie-impairment-pillich-...

2 hours ago - The U.S. **EPA** says it shouldn't have approved **Ohio's** recommendation not to declare **Ohio's western** end of **Lake Erie** **impaired** by toxic algae. ... Several environmental groups have sued the **EPA** saying the lake should be classified **impaired** because algae blooms are preventing the **waters** from meeting ...

US agency reverses course on Lake Erie toxic algae decision ...

lancasteronline.com/...lake-erie...decision/article_e61ee003-6b50-575e-a415-7753d1...
10 hours ago - TOLEDO, Ohio (AP) — The U.S. Environmental Protection Agency says it shouldn't have approved **Ohio's** recommendation not to declare **Ohio's western** end of **Lake Erie** impaired by toxic algae.

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 2/5/2018 7:14:59 PM
To: Ross, David P [ross.davidp@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]
Subject: Article in paper about our meeting tomorrow

Sent from my iPhone

Alexandra Dapolito Dunn, J.D. , Regional Administrator

Region 1 New England. *This email is for official EPA business only and is subject to disclosure under the Freedom of information Act*

By Kyle Stucker kstucker@seacoastonline.com

Posted Feb 3, 2018 at 5:24 PM

Updated Feb 3, 2018 at 5:24 PM

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them to meet stricter nitrogen limits for the wastewater they discharge into the estuary. The cities also

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potential approach for further reducing the nitrogen-caused nutrient loading that environmental experts

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Administrator Scott Pruitt on Jan. 24. Sununu's letter invites Pruitt to New Hampshire to discuss the

various issues and concerns the Great Bay Coalition raised to him during a nonpublic meeting in January.

Message

From: Moraff, Kenneth [Moraff.Ken@epa.gov]
Sent: 2/12/2018 5:30:31 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Zellem, Michael [Michael.Zellem@nh.gov]; Ross, David P [ross.davidp@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
CC: Scott, Robert [Robert.Scott@des.nh.gov]; Gutro, Doug [Gutro.Doug@epa.gov]
Subject: RE: Dover Meeting Follow Up

Mac – happy to talk about the questions in your email – are you free later this afternoon? I'd like to have Doug Gutro join us – he's chief of our public affairs/government relations office.

Ken

From: Dunn, Alexandra
Sent: Monday, February 12, 2018 8:53 AM
To: Zellem, Michael <Michael.Zellem@nh.gov>; Ross, David P <ross.davidp@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Scott, Robert <Robert.Scott@des.nh.gov>
Subject: RE: Dover Meeting Follow Up

Mac,

Thanks for this! You have put an excellent summary together.

In Region 1 we are expediting partial approval of the 2014 and 2016 NH 303(d) lists. Our suggestion is to approve the 90% of work around which there is no disagreement, and then move to work more closely on the other areas – hopefully with a goal to resolve them quickly too.

We will continue to work as a team and keep you informed.

Alexandra Dapolito Dunn, J.D.
Regional Administrator

Region 1 New England
5 Post Office Sq. Suite 100
Mail Code: ORA01-4
Boston, MA 02109-3912

Desk: (617) 918-1012
Mobile: Ex. 6 Personal Privacy (PP)
Fax: (617) 918-0012
dunn.alexandra@epa.gov

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
Sent: Friday, February 9, 2018 2:35 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Scott, Robert <Robert.Scott@des.nh.gov>
Subject: Dover Meeting Follow Up

Hello Alex, Dave, Ken, & Ann,

Alex and Dave –

Thank you both so much for taking the time to meet with our towns concerning their permits. They feel that after years of fighting the state and the EPA, their concerns are finally being heard. The Governor is incredibly appreciative of your engagement on in this matter. I enjoyed meeting you both and hope we get a chance to work together in the future. Alex, the Governor further appreciates the letter that you just sent.

All –

The towns were less organized with action items than I was lead to believe they would be. I am a little nervous that they left the meeting believing that EPA would give them all status quo permits with no numerical nitrogen limit. As I understand it, EPA cannot do this, and even if they could, it would likely to lead to a protracted fight with CLF. Please correct me if I am wrong on these points.

The towns are beginning to view EPA as more of a partner than a combatant, and I think their historic lack of trust is being overcome. In light of the towns agreeing to be dealt with individually, I believe the action item is for EPA staff to begin to engage the towns in a technical discussion on what an adaptive management permit would look like for them, and what the process to get and implement those permits will be.

The Governor has four goals for these permits:

1. The towns get and implement the permits on schedule. The Governor does not want the towns or the EPA to drag their feet, or protract the process, creating uncertainty for businesses.
2. The permits and any potential consent agreements give the towns the certainty they need for their long-term planning. There is a fear among the towns that a future administration will turn the tables on anything that is agreed to.
3. The permits are innovative and allow the towns the flexibility through adaptive management to best address their unique situations.
4. The permits are written to best prevent a protracted legal fight with CLF, which creates uncertainty for the municipalities and local businesses.

The Governor shares your goal for science-based decision making, and we are planning on increasing funding for data collection on the health of the Great Bay. We want NH DES and EPA to have the best data possible.

The City of Portsmouth mentioned the potential Lonza expansion at the Pease Tradeport. This is a priority of the Governor, and the wastewater treatment expansion is critical for the expansion to proceed. I hadn't mentioned this prior, at this point in the process it is a bit premature to discuss the wastewater permit, as we have little idea of what kinds of capacity upgrades will be required, It is, however, good for EPA to know that this is out there.

Ken & Ann –

I would love to sit down and get the EPA's stance on the science behind all of this. I have DES' and the towns' narratives but I would like to understand where EPA stance on how we have gotten to this point. Furthermore, I would like to understand what difference of opinion between DES and EPA is that has been holding up NH's 2014 and 2016 303(d) lists.

Thank you, everyone, for working on this issue, the Governor really appreciate all the effort that is being put in!

Mac Zelle

Policy Adviser, Office of Governor Christopher T. Sununu
State of New Hampshire

Michael.Zellem@nh.gov | (603) 271-8796

Message

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 2/27/2018 1:08:20 AM
To: Goodin, John [Goodin.John@epa.gov]
Subject: RE: Closing the loop on Ohio questions and any next steps for OGC/DOJ

Let's talk tomorrow.

From: Goodin, John
Sent: Monday, February 26, 2018 5:23 PM
To: Ross, David P <ross.davidp@epa.gov>
Subject: Closing the loop on Ohio questions and any next steps for OGC/DOJ

DELIBERATIVE

Dave— **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Happy to follow-up or engage OGC to do so on any questions.
Thanks,
John

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Grevatt, Peter [Grevatt.Peter@epa.gov]
Sent: 2/7/2018 2:22:35 AM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: report from: Federal Information Exchange Workshop on PFAS 2/5 and 2/6

I'm glad to discuss implications of this when we connect on the broader PFAS discussion.

Sent from my iPhone

Begin forwarded message:

From: "Strong, Jamie" <Strong.Jamie@epa.gov>
Date: February 6, 2018 at 8:55:13 PM EST
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Cc: "Mclain, Jennifer" <Mclain.Jennifer@epa.gov>, "Burneson, Eric" <Burneson.Eric@epa.gov>, "Holsinger, Hannah" <Holsinger.Hannah@epa.gov>, "Behl, Betsy" <Behl.Betsy@epa.gov>, "Grevatt, Peter" <Grevatt.Peter@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>
Subject: Re: report from: Federal Information Exchange Workshop on PFAS 2/5 and 2/6

Lee,

Betsy asked that I send you a recap of the second day of the Federal Information Exchange on PFAS. The focus today was discussion amongst participating agencies through breakout sessions on exposure and health sciences and remediation and treatment. Attendees were asked to self-select a session to attend (I attended the health science breakout). Each group was given a basic set of questions/topic areas to cover including the following:

1. Identification of key studies and state of the science
2. Strengths and weaknesses of current PFAS science
3. Emerging initiatives
4. Gaps and controversies to address to inform decision making
5. How to prioritize which chemicals most important for data generation? What data are needed for hazard characterization?

Below is a summary of the report outs from each group.

Remediation and treatment

Strengths and limitations

Ex. 5 Deliberative Process (DP)

Emerging initiatives

Ex. 5 Deliberative Process (DP)

Gaps and controversies

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Prioritization

Ex. 5 Deliberative Process (DP)

Point of use/point of entry technologies

Ex. 5 Deliberative Process (DP)

Exposure science

Ex. 5 Deliberative Process (DP)

Health science

Key studies

Ex. 5 Deliberative Process (DP)

Strengths and limitations

Ex. 5 Deliberative Process (DP)

Emerging initiatives

Ex. 5 Deliberative Process (DP)

Gaps and controversies

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions or would like additional information.

Thank you,
Jamie

From: Behl, Betsy
Sent: Tuesday, February 6, 2018 1:42 PM
To: Forsgren, Lee; Grevatt, Peter; Nagle, Deborah
Cc: Mclain, Jennifer; Burneson, Eric; Strong, Jamie; Holsinger, Hannah
Subject: report from: Federal Information Exchange Workshop on PFAS 2/5 and 2/6

Greetings Lee,

Yesterday I made a presentation at the "Federal Information Exchange Workshop on PFAS". The prospectus for the meeting and agenda for the meeting are attached. Jamie Strong and I both attended the meeting yesterday. Jamie is there today for the breakout sessions today and will report back tomorrow on what happened today (and may have more details on the morning session to add).

Overall, it was a good opportunity to see people from other federal agencies and to learn what they are doing and some of the research ORD is doing. ORD was very heavily represented.

I missed the morning session yesterday due to the OST overview for David Ross, so my notes on that portion of the meeting are more brief, and based on conversations with Jamie and others:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Stege, Alexander [AStege@cfindustries.com]
Sent: 2/28/2018 2:07:44 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: Meeting Request re 4R Plus Campaign
Attachments: 4R Plus News Release_Final distributed 2_13_18.pdf; 4R Plus Brochure (high res).pdf

David,

It was great chatting with you briefly during the Agricultural Nutrient Policy Council call a few weeks back. We especially appreciated hearing you speak about finding multi-stakeholder, collaborative approach to find a long-term solution to the nutrient loss issue across the country. In that spirit, I want to bring to your attention to the brand new 4R Plus campaign that CF is sponsoring in Iowa along with over 30 other organizations, including other companies, The Nature Conservancy, universities, state and local trade groups, USDA, and the Iowa Department of Agriculture.

The 4R Plus campaign is designed to increase awareness and understanding of 4R nutrient stewardship (applying the right nutrient source at the right time, right rate, and right place) and conservation practices to increase productivity, retain soil and nutrients, build soil health, and improve water quality in Iowa. While the campaign has in the works for almost two years, we formally launched it on February 13 at the Agribusiness Association of Iowa Showcase. We think that this is just the kind of multi-stakeholder effort that can achieve tangible progress towards cleaner water. As additional background, I've the press release announcing the campaign and a corresponding brochure. You may also be interested in the campaign website: www.4RPlus.org

My colleagues and I from our office here in D.C. would love the opportunity to meet with you and your staff to provide additional information about 4R Plus and to explore possible ways of partnering with the EPA moving forward. Please let me know if there is a good time in the coming weeks that would work.

Thank you,


Alex Stege | CF Industries

Director, Public Affairs

Office: 1-202-371-9279 | Cell: 1-202-371-9279
astege@cfindustries.com

Ex. 6 Personal Privacy (PP)

The information contained in this communication is confidential, and intended solely for the use of the addressee. It is the property of CF Industries. Unauthorized use, disclosure, forwarding, or copying of this communication or any part thereof is strictly prohibited, and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments.



MAKING THE MOST OF YOUR MOST VALUABLE ASSET

Your best asset is right under your feet.
And keeping it healthy is more important than ever.

4R Plus

Nutrient management and conservation for healthier soils.

4R PLUS - IT MEANS DOLLARS AND MAKES SENSE

Healthy soil retains nutrients and moisture – and generates a corresponding rise in productivity, profitability and resiliency. It also can increase the value of your land for the next generation.

4R Plus involves using precise nutrient management to provide nutrients when the crops need them and targeted conservation practices that enhance soil health and improve water quality.

4R Plus is ...

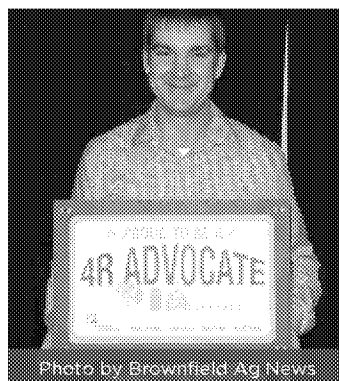


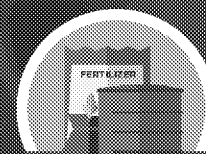
Photo by Brownfield Ag News

"I've been using the 4Rs for some time. I'm able to reduce nutrient runoff by applying them when the crop is ready to uptake them. I also use split-applied nitrogen because I have many soil types and some cannot hold a large amount of nutrients at once. Corn yields have increased by 25-30 bushels/acre using the 4Rs. In 2015, one field averaged above 250 bushels for the first time."

~ Darin Stolte, corn, soybean and alfalfa farmer, 2016 4R Advocate award winner, Jones County, Iowa

THE 4RS OF NUTRIENT STEWARDSHIP

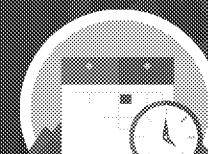
A few examples of 4R practices that help keep nutrients in the root zone when the crop needs them are below.



RIGHT SOURCE

Matches fertilizer type to crop needs.

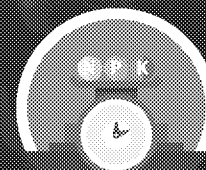
- ▶ All fertilizer sources applied have a guaranteed or known analysis
- ▶ Use controlled, slow-release or stabilized nitrogen blends
- ▶ Apply secondary and micronutrients based on soil and tissue tests



RIGHT TIME

Makes nutrients available when crops need them.

- ▶ Split-apply nitrogen to increase availability
- ▶ No phosphorus applied to frozen or snow-covered soils
- ▶ Apply fall nitrogen when soil temperatures are consistently below 50 degrees at a 4-inch depth



RIGHT RATE

Matches amount of fertilizer type to crop needs.

- ▶ Perform a nutrient budget to account for all inputs and harvest removal
- ▶ Utilize regular soil sampling to determine fertilizer rates
- ▶ Use variable-rate applications based on grid sampling



RIGHT PLACE

Keeps nutrients where crops can use them.

- ▶ Manage fields based on zone maps
- ▶ Use precision guidance technology for accurate applications
- ▶ Incorporate broadcast-applied phosphorus fertilizers

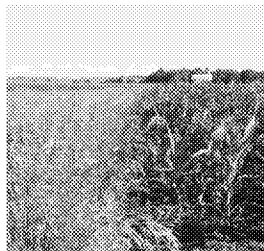
Source: The Fertilizer Institute

WHAT'S THE "PLUS"?

The "Plus" in **4R Plus** relates to in-field and edge-of-field conservation practices that increase the resiliency of your soil and improve water quality. These practices help your soil remain productive

even under variable weather conditions. "Plus" practices help retain moisture, soil and nutrients, and reduce erosion and runoff. And the end result is healthier soil and cleaner water.

4R Plus conservation practices are more effective when they are targeted in areas with the greatest runoff, nutrient loss and soil loss. Examples of "Plus" practices include:



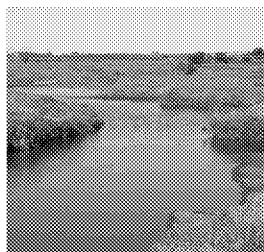
Grass Waterways



Cover Crops



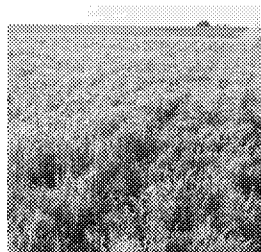
Strip-Till



Stream Buffers



No-Till



Prairie Strips

soil health

Soil health is the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals and humans.



SOIL ORGANIC MATTER

Depending on the inherent organic matter of their land, farmers can increase their soil organic matter in as few as three years with **4R Plus** practices.

Sources:

- Conservation Choices, Your Guide to 32 Conservation and Environmental Farming Practices, Natural Resources Conservation Service.
- Soil Health Key Points, Natural Resources Conservation Service, February 2016.

4R PLUS MAKES AGRONOMIC AND ECONOMIC SENSE

It all works together. When you improve soil health, you enhance crop growth and increase soil productivity, which can boost your yield potential and return on investment.

SOME EXAMPLES:

- ▶ Practices like no-till mean fewer trips across the field
- ▶ 4R fertilizer practices increase nutrient uptake and reduce nutrient losses
- ▶ Soils with better structure hold more water and nutrients
- ▶ Cover crops reduce erosion and increase organic matter
- ▶ Healthy soils allow crops to better withstand weather extremes

"THE ECONOMIC BENEFITS ARE TREMENDOUS"



"I use strip-tillage, strip-cropping, variable-rate nutrients and cover crops. I started the conservation practices for economic reasons, especially strip-tilling. A neighbor wanted me to try strip-cropping. We found out that the economic benefits from it are tremendous, and it's also a great conservation piece. It keeps the soil intact and actually holds more snow in the wintertime."

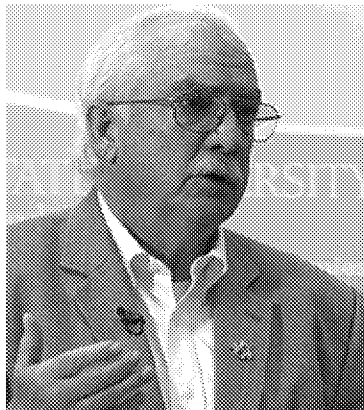
— **Dean Sponheim**, corn and soybean farmer, Mitchell County, Iowa

Sources:

- Soil Health Key Points, Natural Resources Conservation Service, February 2016.
- Healthy, Productive Soils Checklist for Growers, Natural Resources Conservation Service, March 2017.

DOES IT PENCIL? THE PAYOFF FROM 4R PLUS

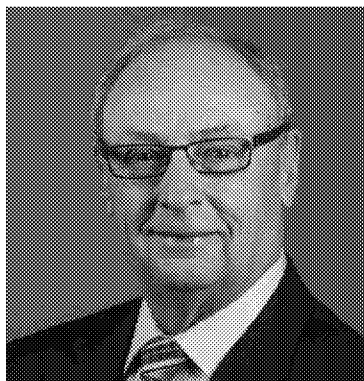
THE VALUE OF REDUCING SOIL EROSION



Implementing conservation practices pays off. Iowa State University Extension and Outreach Agricultural Economist Michael Duffy estimates more than \$18 per acre of benefit to farmers based on the fertilizer value per ton of eroded soil. The benefits to society were more than \$42 per acre.

Source: The Cost of Soil Erosion: Iowa Learning Farms, 2013.

SOIL HEALTH AND EQUIPMENT



"I did an equipment cost analysis for eight years and concluded I was saving \$65 per acre in equipment and \$27 an acre in labor costs each year with a combination of strip-till/no-till compared to conventional tillage. Using no-till, strip-till and cover crops, I've seen organic matter levels grow from 3 percent in 1984 to 4 to 6 percent in 2015."

– Wayne Fredericks, corn and soybean farmer, Mitchell County, Iowa

FARMLAND VALUES

In some areas, farmland managed for soil health is valued higher because farmers know that healthier soil is capable of higher productivity.



"Farms that have been managed in a sustainable manner addressing soil health are more sought after than farms that are not. There are clearly market advantages to farms that are well cared for, as neighboring farmers and landowners recognize that added value. Better soil health ultimately improves yields and increases farmland values."

– Steve Bruere, president of Peoples Company



"I use nutrient management practices and changed my tillage practices to strip tillage. I've also incorporated cover crops. When I consider the money I spend on different types of insurance to protect my assets, my most important asset as a farmer is my land."

– Tim Smith, corn and soybean farmer, Wright County, Iowa

LEAVING A LEGACY

"I know that if we don't take care of the ground, the ground isn't going to take care of us. We feel it is our legacy to leave the farm in better shape than when we got it."

– Jolene Riessen, corn and soybean farmer, Ida and Sac counties, Iowa



ON YOUR FARM ...

- Improved soil health for higher yields
- Reduced runoff, erosion and compaction
- Better water infiltration for the crop during dry periods
- Increased soil capacity to store and recycle carbon
- Optimized 4R practices to meet crop nutrient needs and reduce losses

NEAR YOUR FARM ...

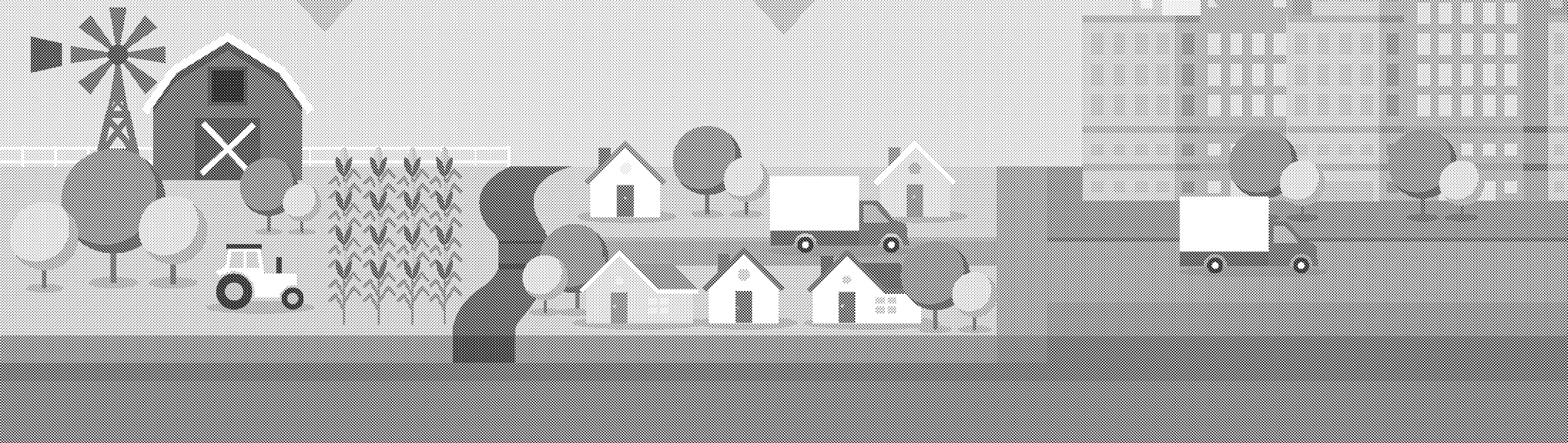
Edge-of-field practices like wetlands and saturated buffers:

- Trap soil and nutrients
- Improve water quality
- Enhance wildlife habitat

AND BEYOND YOUR FARM

4R Plus practices help retain water, soil and nutrients, resulting in:

- Improved water quality downstream
- Reduced flooding potential
- Decreased sediment movement into water bodies



BENEFITS OF 4R PLUS

Sources:

- Soil Health Key Points, Natural Resources Conservation Service, February 2016.
- Iowa Conservation Reserve Enhancement Program, Iowa Department of Agriculture and Land Stewardship.
- Watershed Structures and Conservation Practices help Reduce Flooding Damages: Natural Resources Conservation Service, May 2015.

PROTECTING THE GREATEST EARTH ON EARTH

Implementing **4R Plus** practices will help safeguard and improve the health of Iowa soil and water for generations to come.

IOWA NUTRIENT REDUCTION STRATEGY (INRS)

We'll need nutrient management plus conservation practices to meet INRS goals, which are to reduce nitrogen and phosphorus loading into Iowa waters by 45 percent.

COST-SHARE OPTIONS

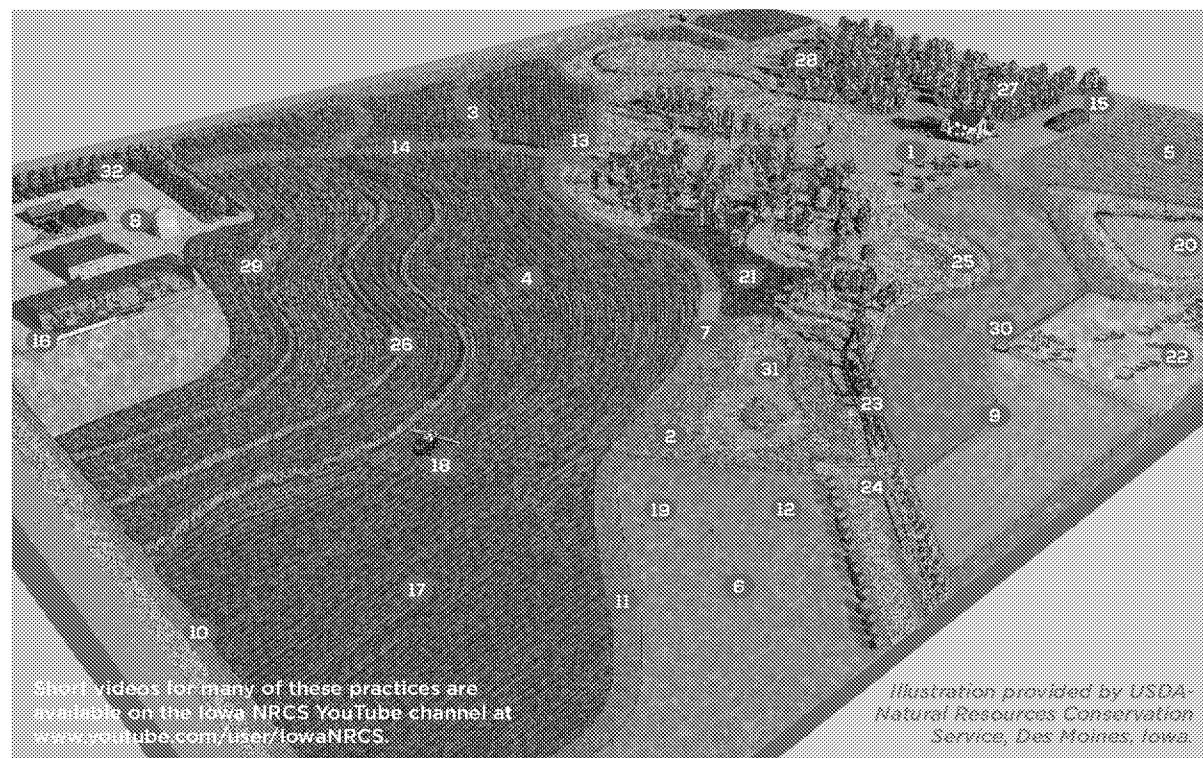
The good news is there are state, federal and other financial assistance programs available for implementing **4R Plus** practices. Check with your county Soil and Water Conservation District office for information on cost-share programs.

Sources: Reducing Nutrient Loss. Science Shows What Works, (SP-435). Iowa State University Extension and Outreach, September 2014.

WHEN 4R NUTRIENT MANAGEMENT MEETS CONSERVATION PRACTICES, IT LOOKS LIKE THIS:

- | | | |
|----------------------------------|---------------------------------------|--|
| 1 Brush Management | 12 Forage and Biomass Planting | 24 Stream Crossing |
| 2 Conservation Cover | 13 Grade Stabilization Structure | 25 Stream Bank Protection |
| 3 Contour Buffer Strip | 14 Grassed Waterway | 26 Terrace |
| 4 Contour Farming | 15 High Tunnel System | 27 Tree/Shrub Establishment |
| 5 Cover Crop | 16 Manure Storage | 28 Upland Wildlife Habitat Management |
| 6 Crop Rotation | 17 No-Till/Strip-Till | 29 Water and Sediment Control Basin |
| 7 Denitrifying Bioreactor | 18 4R Nutrient Management | 30 Watering Facility |
| 8 Farmstead Energy | 19 Pest Management | 31 Wetland |
| 9 Fence | 20 Pond | 32 Windbreak/Shelterbelt |
| 10 Field Border | 21 Prescribed Burning | |
| 11 Filter Strip | 22 Prescribed Grazing | |
| | 23 Riparian Forest Buffer | |

Bolded practices are included in the Iowa Nutrient Reduction Strategy



Talk to your agronomic adviser about 4R Plus.

4R Plus



This brochure was developed by agricultural and conservation organizations as a part of the Iowa 4R Plus program. For more information, contact the Iowa Agriculture Program Director at iowa@tnc.org or 515.244.5044.



Feb. 13, 2018
FOR IMMEDIATE RELEASE

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Coalition launches 4R Plus nutrient and conservation stewardship program for Iowa's farmers

[DES MOINES, Iowa] – Today a group of agricultural and conservation stakeholders announced the launch of 4R Plus, a nutrient management and conservation program that equips Iowa farmers with the tools and resources to protect and enhance Iowa soils.

“CF Industries, along with The Nature Conservancy, came together with a vision for a program that would empower Iowa farmers and their efforts to improve soil health,” says Tony Will, president and CEO of CF Industries.

Support of this program has expanded to 30 organizations, including state commodity groups, agribusinesses, conservation organizations, government agencies, universities and others.

“We all have the same goal: to build upon the good work Iowa farmers are doing and provide them with more tools and resources to help them implement practices that enhance crop growth and boost yield potential and return on investment while safeguarding some of the best soil in the world,” says Will.

4R Plus focuses on nutrient management and conservation practices for today's farms. Improving soil health starts with following the 4R nutrient stewardship practices – right source, right rate, right time and right place – to fully optimize the nutrients farmers apply. The “Plus” refers to conservation practices that can boost production, increase soil resiliency, reduce erosion and runoff, and improve water quality. Together, 4R nutrient stewardship and conservation practices can help farmers achieve healthier soils and ultimately a more productive crop now and in the future.

Approaching 4R nutrient stewardship

4R nutrient stewardship goes beyond on-farm sustainability benefits. Using the 4Rs can improve production and farmer profitability while enhancing environmental protection on and beyond the farm.

The Fertilizer Institute (TFI), a collaborator in 4R Plus, recognizes this program as a way for farmers to embrace the 4Rs.

“4R stewardship is an innovative approach to managing nutrients to meet the crop’s needs while minimizing nutrient losses from the field,” says Lara Moody, vice president of stewardship and sustainability programs at TFI.

Moody stresses that whether it’s the nutrient source, rate, time or place, farmers have to make nutrient decisions based on information specific to their farm, soil characteristics and operational logistics.

“Farmers should work with their advisers to select specific 4R practices to optimize fertilizer inputs for their individual operations,” adds Moody. “The 4Rs, when combined with the ‘Plus’ conservation practices, can help farmers achieve their production, economic and environmental goals.”

Importance of the “Plus” conservation practices

4R nutrient management and loss reduction are more important than ever. With the Iowa Nutrient Reduction Strategy’s goal to reduce nitrogen and phosphorous loads in Iowa waters by 45 percent, farmers are looking for ways they can contribute to this goal. A good place to start is conservation.

Conservation practices help retain moisture, soil and nutrients, and reduce erosion and runoff – resulting in healthier soil and cleaner water. These practices are even more effective when targeted in areas with the greatest runoff, nutrient loss and soil loss.

Marty Adkins, assistant state conservationist for the Iowa Natural Resources Conservation Service (NRCS) – another 4R Plus collaborator – sees the need for farmer resources on conservation practices.

“There’s a natural link between sound nutrient management and conservation practices resulting in better soil health, water quality and farmer profitability,” says Adkins. “NRCS is pleased to work with other organizations to help farmers and agronomists better understand soil health, why it’s important and how it can be achieved.”

Adkins adds that a good first step is to develop a conservation plan. “These plans help farmers see where they stand now and what conservation practices to consider. A conservation plan also can help farmers access farm programs, which can aid in the costs of implementing these practices.”

Shawn Richmond, environmental technology director for the Agribusiness Association of Iowa, says, “Depending on the farm, there are a variety of conservation practices to consider. Cover crops and strip-till or no-till are in-field practices that can minimize soil erosion and improve water infiltration, while stream buffers and wetlands act as edge-of-field filters for surface and tile water.”

A growing effort, off and on the farm

Greg Wandrey, Iowa agriculture program director for The Nature Conservancy and coordinator of the 4R Plus program, believes it takes everyone working together to help Iowa farmers achieve economic and environmental success, and finding the right 4R Plus practices for a field or farm is key.

“The purpose of bringing these stakeholders together and ultimately the 4R Plus program is to provide consistent messages to farmers about 4R nutrient stewardship and conservation practices that are available for their farms. Farmers and their advisers can work together to assess economic and environmental goals and make a plan to adopt practices that help them achieve those results.”

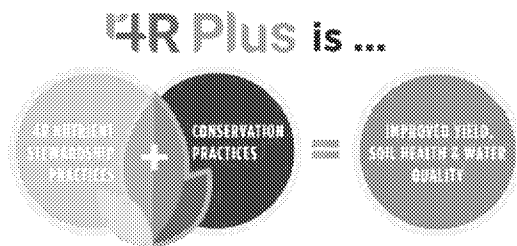
Wandrey adds, “More than 80,000 Iowa farmers are growing food, fiber and fuel on 23 million acres. Change happens on an individual level, but if we took an all-hands-on-deck approach to nutrient stewardship and conservation practices, just think of the results we’d see.”

To learn more about 4R Plus and resources available for getting started, visit www.4rplus.org.

-30-

4R Plus is a nutrient management and conservation program to make farmers aware of practices that bolster production, build soil health and improve water quality in Iowa. The program is guided by a coalition of more than 25 organizations, including agribusinesses, conservation organizations, commodity and trade associations, government agencies and academic institutions. To learn more, visit www.4RPlus.org.

Graphics included:



4R Plus was introduced today in Iowa. The program involves using precise nutrient management to provide nutrients when the crops need them and targeted conservation practices that enhance soil health and improve water quality.

4R Plus

Message

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 2/10/2018 3:16:20 PM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: POLITICO Pro Q&A: EPA's David Ross

Sent from my iPhone

Begin forwarded message:

From: "Abboud, Michael" <abboud.michael@epa.gov>
Date: February 9, 2018 at 5:10:52 PM EST
To: "Ross, David P" <ross.davidp@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Subject: FW: POLITICO Pro Q&A: EPA's David Ross

Hey guys wanted to make sure you saw this in case you don't get these alerts.

From: Annie Snider [<mailto:asnider@politico.com>]
Sent: Friday, February 9, 2018 5:05 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: Fwd: POLITICO Pro Q&A: EPA's David Ross
Just wanted to make sure you got this. Have a good weekend --

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro" <politicoemail@politicopro.com>
Date: February 9, 2018 at 4:48:10 PM EST
To: <asnider@politico.com>
Subject: POLITICO Pro Q&A: EPA's David Ross
Reply-To: "POLITICO subscriptions" <reply-fe9913737160047975-1162245_HTML-663503561-1376319-0@politicoemail.com>

POLITICO Pro Q&A: EPA's David Ross

By Annie Snider

02/09/2018 04:46 PM EDT

As the new head of EPA's water office, David Ross is the point man for some of Administrator Scott Pruitt's top priorities, from his "war on lead" to targeting investment in the nation's hidden water infrastructure to redefining the scope of federal water protections under the Clean Water Act.

A longtime water lawyer who has represented industry clients for a District of Columbia law firm and worked in state government in both Wyoming and Wisconsin, Ross says he's aiming to improve collaboration between federal and state regulators — an approach he's bringing to the contentious effort to rewrite

the Waters of the U.S. rule. Still, he freely admits that "we're not going to make everybody happy."

In an interview a month after arriving at the agency, Ross said that he is "aggressively" going after nutrient pollution problems like those that plague Lake Erie, the Gulf of Mexico and local rivers and lakes across the country. But he says a true solution won't come from an approach driven by the Clean Water Act, but in more tailored, holistic solutions worked out at the local level.

The following transcript has been edited for length and clarity.

What are your priorities coming into this job?

I break them down in categories: It's drinking water, surface water quality and what I would consider the way we do business.

Having spent time in the states and seeing the way the federal government interacts with the states, I think we can do a better job in the relationship and the communication with the folks who are implementing our programs on a day-to-day basis. There are some frustrations out there in the states in how the last administration communicated with them. We use the word consultation ... and I'm trying to flip that word to engagement, where we have meaningful dialogue with the states, with the tribes, understanding their local, regional issues and how we can do a better job understanding their needs. It will help us do our jobs our better.

What about drinking water and water quality?

Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. The numbers vary, but [the] \$650 billion of capital investment that is needed to bring our systems up to speed ... those are huge numbers. I spent some time with the Conference of Mayors a couple weeks ago and heard from them about how much money they already spend on an annual basis in that world. Which is amazing, how much amazing investment they already do every day to protect our citizens, and yet we still have this gap.

I think it's great we have a president who is focused on it. Just having the president talk about it brings focus to it. In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water.

We're expecting a more detailed conversation around infrastructure with the administration's proposal coming out on Monday. How would you like to see the conversation focused when it comes to drinking water and wastewater infrastructure, and where do you see the State Revolving Funds fitting in?

I'll start there: the SRFs are, if you look back in history, what has been responsible for driving significant improvements in surface water quality and public health - drinking water quality. Those are amazing tools and I think they're even under appreciated in ... the real translation of federal dollars out to the states to use how

they need. That is a really powerful tool. So, our job on the revolving loan fund space is to make sure we're using the money that Congress gives us as effectively and efficiently as possible. We've got a water finance center here at the agency that as part of my education process [I'm] learning about. Really smart people thinking creatively about how do we use the money as effectively as possible.

And then prioritization ... we can't do it all at once, and so how do we focus our resources where we can get the most immediate help? Having that conversation in an area where it's all important is difficult. For a citizen in Ohio or a citizen in Mississippi or California, day to day it's important to them. So how do you have a conversation about prioritization without discounting the importance to everybody?

So how do you envision prioritizing? What do you see as being the factors that go into that?

That's where you start to line it up with some of the other of the administration's priorities. Both what I'm hearing from the White House and this administrator is there's issues, like the war on lead. It's obviously a critical, critical public health issue for our most precious resources, which is our children. We have a Lead and Copper Rule that was done in 1991 and it has done an amazing job of getting the lead out of the water and really improving public health. Plus, if you look at the other media work that's been done — lead in gasoline and lead in paint — collectively the country's done an amazing job of getting this problem focused in on a much narrower target, but we still have work to do.

There is some major work to be done to update the Lead and Copper Rule to get after our remaining challenges. We still have lead service lines in this country. We still have in-home plumbing issues that create potential exposure pathways that we just have to take a long, hard look at solving ... And I'm thrilled that the administrator is providing some really, serious leadership in an area that is quite frankly challenging.

You'll [also] be hearing discussions about perfluorinated compounds starting to come up throughout the country and we're taking a serious look at it. So matching what you're hearing about public health issues and then some of the communities like rural communities are really struggling with financing wastewater and water upgrades and so how can we make sure that we're helping the rural communities where the funding is — it's harder to go generate through a rate increase out in rural America versus urban America, and so you have to think, the techniques that will be applied will be different based on the targeted community.

Waters of the U.S. has been another big [priority]. A lot of folks in the administration came in opposing the Obama administration rule, including you — you were involved in that litigation before hand — and it's been something that the administrator has been out talking about. [This week] he gave a speech to Texas water folks that was closed to press. A lot of these meetings are to groups that already agree with you and are often closed to the press. How are you going to convince a judge and the public that you're approaching this process with an open mind and without having already pre-decided?

If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not.

Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls. The past is past, my job is to see where the challenges are right now and how to solve them going forward.

Part of keeping an open mind is consultation or engagement. We have webinars coming up with some of our tribal members and some of our state members at the end of February. We're working with the Environmental Council of the States to bring in a representative sampling from across the country with the states that want to come in and talk with us about ideas coming forward and what they think the new rule might look like. And so that consultation piece is very important, hearing from our local communities.

There was an effort last year, long before I was here, where letters were sent out to the governors saying, 'Hey, give us some ideas,' because, having been in the states during the last administration, I think we probably could have done a better job gathering information as we try to solve problems going forward. It's a ridiculously difficult issue. I mean, we've been dealing with this for 40 years where the law is on the books, the statute was pretty open-ended, so how do you actually come to a workable definition of the jurisdiction of the Clean Water Act and stay within the statutory boundaries, and that's our job.

Clarity is the word that everybody uses on all sides ... Does this have to be something that a farmer with no particular training can go out in the field and implement himself?

Well, I think we should strive for that. I would love to get to a point where we could have a map that says, 'Hey, this is what is a federal water versus a state water.' Can we get there? I don't know. Public officials should be comfortable saying these are challenges we don't necessarily have the answer to but our job is to try to find out.

I would love to get to a space where someone out on the landscape can know, 'Yeah, I need to go to my state government or my federal government without having to go spend a lot of money to bring in outside consultants to tell me how to use my backyard.' That should be our objective, that's the clarity piece. Can we get there? I don't know. Our job is to try to get as close as we can. What's absolutely in, what's absolutely out and how do we provide clarity to the regulated community on what the gray area is and try and narrow down the gray area as much as possible.

Another one of the things that has made this such a tricky issue is the geographical variance around the country. If you do a strict interpretation of the Scalia opinion [in the 2006 Supreme Court *Rapanos* decision], you could have states out West where more than 90 percent of the waters aren't federally jurisdictional, and a lot of those states have laws on the books that say they can't regulate things at the state level beyond what's regulated federally. How do you grapple with that, and, if you do a strict Scalia

interpretation that leaves those waters out, are you worried about a public backlash?

Regionalization and recognizing that different states have different water challenges is ultra-important. I have worked in California, I have lived in Vermont, I have lived in Wisconsin, I have worked in Wyoming, I have worked in the city, so I understand that water challenges on the East Coast are different from the Midwest and they're different from the South and they're different in the Mountain West and they're different on the West Coast, so trying to understand the different needs of the states is really important. What's an important water body in one state may have less of an influence in a different state. So trying to get at a regionalization concept, it's tough. But I'm at least willing to look at that.

There's a huge history that we're going to be informed [by]. And obviously the executive order mentioned the Scalia opinion and how we should be informed as we're doing the analysis ... We're implementing the executive order, but how we come out, we're still working on that, and that's part of my job ... but we're not going to make everybody happy. There's so much emotional connection to this issue that's built up over 40 years because of the way the statute was written back in the 70s.

Water quality is one of the biggest challenges facing you. The president has promised us "crystal clean water." There's huge challenges around the country: Lake Erie has large toxic algae blooms each summer, as do the coasts of Florida, and local streams and lakes and rivers. What are you going to do to get where the president has promised to go?

One of my top priorities coming in is to take a look at nutrients. It is one of the most important and definitely the most challenging surface water quality issues that we have, and it's different in different parts of the country ... Sometimes phosphorus is the driver, sometimes nitrogen, sometimes both. And so I'm aggressively looking at the nutrient issues and am going to go after it holistically. The lens of: how do we regulate using the laser-like precision, using Clean Water Act tools specifically, loses an opportunity to look more holistically. How do you engage with the states, how do you engage with the [agricultural] community, both the people who grow crops and the people who provide products to the farmers who grow crops?

There are some really cool tools out there. Indiana, Iowa, all up and down the Mississippi basin, it's an interesting experiment. The direction is to solve the problem and just hearing from the states in the [Mississippi River/Gulf of Mexico] Hypoxia Task Force a couple weeks ago, each state is approaching it differently. And so the federal government has a role, the states have a role, the communities have a role, [the Department of Agriculture] has a role, and trying to get those people together on the same page and look holistically at it, it's something I'm going to spend a huge amount of my time on because it's a problem we have to solve.

There's a money problem there, too, right?

Huge amounts of money, and that's why you have to understand how to spend that money as effectively as possible. In some states it may be edge-of-field. In some

states it may be edge-of-stream. In some states it may be the type of feed that's delivered or manure management in the upper watershed or [wastewater treatment plants] and septic [systems] in the Northwest. And so you have to understand that there are different drivers and so how do you focus the limited resources that folks have? Indiana has a great example where they've formed this alliance with The Nature Conservancy and the state [Department of Agriculture] and the local farm bureau and the state [agriculture] commissioners and the environmental community to get together to with an alliance to focus on bringing money to solve problems in that state focused on that state.

When you talk about nutrient problems, climate change feeds into that as well. The Chesapeake Bay is grappling with that at the moment. How do you see climate change fitting into the challenge of nutrients and broadly into your job at the water office?

That's a big question. In the nutrient space it's very challenging because there are presumptions made about direction and temperature that doesn't necessarily translate to individual water bodies. If people know nutrients, really know nutrients and what the drivers are, in some bodies it's temperature, in some it's flow, some it's color, some it's whether or not you've got a lot of leaf-fall and what organics come in, stratification in lakes, you name it... That's why individual states, individual watersheds, individual water bodies, you have to consider the drivers in those water bodies. So it's way too simplistic and overgeneralized to focus on one big ticket issue. To really understand the nutrients problem, you have to stay away from the overgeneralizations and one-size-fits-all mentality to really understand and solve the problem.

What about more broadly? [How do you see climate change playing into] your mandate in the water office?

You have the MS4 [stormwater pollution control] program, the combined sewer overflows, and all these different huge infrastructure challenges. If we're spending money to upgrade systems it's natural to want to also look at resiliency. So if you're going to do a massive capital outlay, your job is to look at how you're going to spend that money and is it going to hold up over the test of time for 50 years, if you're an individual decision maker with money. And so if you're in Florida and you're worried about differences in sea level, you have to build that into your [plan]. In the water space, climate change is about building it into your planning for the infrastructure.

I took a tour of the Mystic River urban watershed program [Wednesday] morning and there was a prime example of a redevelopment where there was a dam that stopped the sea water from going into the fresh water, and there's a local park there that needs to be redeveloped because there's some historic contamination and they're going to talk about spending \$1 million to upgrade it. They brought in kind of a resiliency piece [and discovered] that if they spend more money in that area, that could help provide kind of long-term protection to sea-level changes, you'll spend a lot less money in the upper watershed. So that's a prime example in that particular watershed about how the conversation at the local level, how that piece comes in, and we're going to have to do that throughout the decision making process in how we invest money in the infrastructure space. It's part of the natural planning that I think has to happen in local communities.

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From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 2/11/2018 9:35:42 PM
To: OW-EVERYONE-HQ_SG [OWEVERYONEHQ@epa.gov]
Subject: Shout Outs for the Week of February 5

Importance: High

SHOUT OUTS

OFFICE OF WATER

Week of February 5, 2018



I'd like to recognize the team that supported the January 31- February 2 **Gulf of Mexico Hypoxia Task Force (HTF)** meeting in Arlington, VA. The Hypoxia Task Force is 12 states and five federal agencies working together to significantly reduce the hypoxic dead zone in the Gulf of Mexico, with a

commitment to rigorously track progress toward a 45 percent reduction in nutrient loads to the Gulf. Each of the states reported on progress, with federal support, in implementing their strategies for reducing nutrient loads. Highlights, among many others, include Minnesota's implementation of a stream buffer requirement under state law and a new law in Iowa providing \$280M over the next 12 years to implement the state's strategy. The Task Force also met with leaders from the National Association of State Departments of Agriculture (NASDA) to help build relationships with these key partners in reducing nutrient losses. As noted by the Task Force state co-chair Bill Northey, the Iowa Secretary of Agriculture, the Task Force is building momentum toward nutrient loss reductions across the Mississippi River Basin, with broad participation by producers, commodity groups, agricultural businesses and others whose participation and investment are essential to meeting the Task Force's goals. For all their great work, I'd like to recognize **Katie Flahive (OWOW), Kyra Reumann-Moore (ORISE), Laura Bachle (OWOW), Meg Wiitala (OWOW), Frank Sylvester (OWM), Benita Best-Wong (OW-IO), and Tom Wall (OWOW).**

Last week, OST's Engineering Analysis Division (EAD) sent letters to nine companies in Pennsylvania requesting information needed to consider the effects of the **2016 Unconventional Oil and Gas rule**, as promised to the court. The letters request that the companies provide financial information and information related to their oil and gas wastewater management practices and expenditures by March 15, 2018. Congratulations to **Karen Milam, Jesse Pritts, and Jan Matuszko (OST)**, along with **Pooja Parikh (OGC)** for their work in preparing and obtaining approval to send these letters.

This week EPA held two virtual public hearings on EPA's proposed rule to establish nutrient criteria to protect designated uses for Missouri's lakes and reservoirs, consistent with the terms of a 2016 consent decree. These criteria will help Missouri prevent or limit the negative effects of nutrient pollution, such as harmful algal blooms. Kudos to the following staff from **OST** and **Region 7** for organizing and holding these virtual public hearings so that interested parties may also provide verbal comments on this proposed rule: **Mario Sengco, Lindsay Skovira (ORISE participant), Danielle Anderson, Ann Lavaty, and Jeff Robichaud (Region 7)**.

This week, Andrew Sawyers approved the first environmental finding on a **WIFIA** project – a Categorical Exclusion (CATEX) for the Georgetown Wet Weather Treatment Station (GWWTS). The CATEX finding means that the impacts of the project individually and cumulatively do not have a significant effect on the quality of the human environment. This marks a significant milestone in a collaborative team effort to develop an approach for handling WIFIA's environmental reviews. **Alejandro Escobar (OWM)** prepared the finding with assistance from the WIFIA environmental review team (a cross-office team including the Office of Federal Activities (OFA) and the Office of General Counsel (OGC)): **Candi Schaedle (OFA), Jessica Trice (OFA), Justin Wright (OFA), Allison Hoppe (OGC), Tricia Jefferson (OGC), Alaina McCurdy (OWM on detail from R3), Danusha Chandy (OWM), Jordan Dorfman (OWM), and George Kohutiak (OGC)**.

Additionally, this week EPA held the first webinar to introduce *SWToolbox* to State and Regional permit writers. The ***Surface Water Toolbox*** is a downloadable tool for estimating critical flow statistics developed by USGS in close collaboration with the Office of Water. Congratulations to the staff across the Agency who were involved in the development of this tool: **Jenny Molloy (OWM), Sarah Hoyt (OWM on detail to OCSPP), Karen Metchis (OW-IO), Tommy Dewald (OWOW), Brian Nickel (R10), and Suzanne Warner (R1)**.

Congratulations to **Lemuel Walker** for being selected as the EPA ex-officio member of **The NELAC Institute (TNI) board**. The TNI board supervises, controls and directs the business affairs of TNI by actively pursuing its mission, managing the budget, adopting policies and rules, receiving complaints and directing to the appropriate body for action, and appointing agents to assist with TNI activities. The board also reviews and approves an annual budget for the program and evaluates how well the programs are achieving their goals. For more information on the TNI please visit: <http://www.nelac-institute.org/content/programs.php>. Please join me in congratulating Lem on his selection to this important body.

The **Perchlorate Peer-Review Public Meeting** took place on January 29 and 30. Eight panelists provided their feedback on the scientific work developed by EPA. Stakeholders, including **The American Water Works Association, the Perchlorate Study Group** (Via Intertox) and **the Natural Resources Defense Council**, provided public comments to the panel during the first day of the meeting. Panelists had generally favorable remarks on the technical work developed by EPA as the scientific basis for decision-making on perchlorate in drinking water. Several panelists made suggestions about improvements that could be made to both the BBDR Model and the scientific analysis that might result in reducing uncertainties and incorporating new statistical metrics. Most panelists indicated that (based on the available science) the BBDR Modeling approach is preferred for predicting neurodevelopmental outcomes over the RfD approach. EPA expects the peer review panel to submit a final Peer Review report outlining all recommendations and responses by early March. Many thanks to the team that made this happen: **Sam Hernandez Quinones (OGWDW), Ahmed Hafez (OGWDW), Erik Helm (OGWDW), and Paul Schlosser (ORD)**.

Thanks to everyone in OW for another productive week. After joining the headquarters management team in Boston for the Region 1 visit, it is clear to me that the relationships we have with our regional counterparts are strong. I look forward to continuing to work with all of you to nurture and grow these relationships through meaningful engagement and dialogue. I hope everyone had a great weekend!

Dave

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 2/12/2018 2:02:17 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: FW: Morning Energy: A peek inside Trump's budget wish list — CEQ official resigns — PEER says acting officials served illegally

FYI, they included a write up on your interview in ME this morning. See highlighted section below.

From: POLITICO Pro Energy [mailto:politicoemail@politicopro.com]
Sent: Monday, February 12, 2018 6:04 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Morning Energy: A peek inside Trump's budget wish list — CEQ official resigns — PEER says acting officials served illegally

By Kelsey Tamborrino | 02/12/2018 06:01 AM EDT

With help from Darius Dixon, Annie Snider and Eric Wolff

A PEEK INTO TRUMP'S BUDGET WISH LIST: The White House will lay out President Donald Trump's budget proposal for fiscal year 2019 today, proposing cuts to domestic spending in spite of the budget increases Congress just agreed to last week. While the White House will continue to urge austerity, budget director Mick Mulvaney said the administration will also release an addendum to the budget outlining its ideas for how to spend the extra \$63 billion in nondefense spending lawmakers agreed to for next year, Pro's Sarah Ferris and Jennifer Scholtes report. Though the budget is unlikely to be enacted by Congress in the form presented — and the accompanying infrastructure plan faces its own steep odds — here's what ME will be watching for in today's roll-outs:

At EPA: The ax will be out again for EPA. "You still are going to see some reductions in our proposals to the EPA," budget director Mick Mulvaney told "Fox News Sunday." "There's still going to be the president's priorities as we seek to spend the money consistently with our priorities, not with the priorities that were reflected most by the Democrats in Congress." While Congress is still working out the details of an omnibus spending bill for FY18, lawmakers have so far proven unwilling to cut as deeply as Trump and Mulvaney would like. The House, for example, has supported \$1.9 billion more than White House's requested for EPA, and the relevant Senate subcommittee is asking for even more.

— **Water infrastructure is expected to be a winner** in the EPA budget, being a priority of both Trump's and EPA Administrator Scott Pruitt's. Last year the White House proposed a modest increase for the popular Clean Water and Drinking Water State Revolving Funds, which are frequently targeted for cuts in presidential budgets since Congress can be counted on to restore funding. Expect WIFIA, the new innovative financing tool, to be a winner as well.

At the Energy Department: Last year, the Trump administration called for cutting the Energy Department's budget by more than 9 percent when compared to enacted fiscal 2017 levels, a whack that would've brought the agency down to \$28 billion. The proposal disproportionately hit DOE's energy programs — cutting the fossil and renewable energy offices by more than half, for example — because the administration sought to increase spending on DOE's National Nuclear Security Administration by \$1 billion. The Washington Post reported that Trump wants to cut DOE's energy efficiency and renewable energy office by 72 percent on current levels, so don't expect a new tune this year.

At the Interior Department: Look for Interior to be called on to help advance Trump's infrastructure agenda today. Republicans have long called for the department to expedite the construction of pipelines, roads and other projects on the public lands it oversees. Interior is also a key player in Endangered Species Act reviews that industry groups complain make permitting more difficult for all sorts of projects.

— **What about environmental protections?** A senior administration official said during a briefing on Saturday that the White House has no intention of dismantling environmental protections. But it remains unclear what changes it may seek to make in existing laws that, for example, allow EPA to veto permits issued by the Army Corps of Engineers. "We're not saying you can have a bigger impact on dangerous species, or the water can be dirtier or the air can be dirtier, or anything like that," the official said. More from Pro's Brianna Gurciullo on what to expect in Trump's infrastructure plan [here](#).

Other areas: The White House is [expected to press](#) for changes to the National Environmental Policy Act in its upcoming infrastructure proposal, [as well as cut](#) the independent Chemical Safety Board [once again](#). And The New York Times [reports](#) that the budget will look to trim NASA's earth science directorate, which includes climate research.

— **Look for staff reductions:** Trump's budget also will "for the first time making public the White House's plans for trimming staff and operations across the federal government," Sarah and Jennifer report. "Those 'workforce reduction' plans — which rely on hiring freezes, buyouts and stripping protections that make it easier to fire workers — are the result of nearly a year of back-and-forth between OMB and agencies."

COMING SOON: While it won't be ready for today's festivities, federal agencies are putting the finishing touches on an agreement to work toward quicker permitting, POLITICO's Andrew Restuccia [reports](#). A draft memorandum of understanding being reviewed by 17 agencies commits "to cooperate, communicate, share information, and resolve conflicts that could prevent meeting milestones." The memo aims to implement an [executive order](#) Trump signed in August that set a goal of completing the environmental review process for major infrastructure projects within two years. The permitting timeline is expected to be one element of the infrastructure plan Trump will unveil today, though the memorandum is not expected to be finalized in time for this week's rollout.

In Congress, Democrats remain cool to setting a time limit, Pro's Anthony Adragna [reported](#) Friday.

COUNTER PROGRAMMING: A coalition of 35 House Democrats calling itself the Sustainable Energy and Environment Coalition plans to release its own set of [principles](#) today, calling for investments in things like sustainable transportation, water infrastructure and reducing carbon emissions. And the Wilderness Society on Friday released [its own look-ahead](#) for Trump's budget and infrastructure proposals, highlighting the Land and Water Conservation Fund and whether it will echo last year's suggested cuts to wildfire-fighting efforts, among other issues to watch.

HAPPY MONDAY! I'm your host Kelsey Tamborrino, and no one guessed the first congressional override of a presidential veto occurred in 1845 over a veto by lame-duck President John Tyler on an appropriations bill. For today: How many European countries begin with the letter 'S'? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](#), [@Morning_Energy](#) and [@POLITICOPro](#).

CEQ OFFICIAL RESIGNS: Amid the continued fallout of White House staff secretary Rob Porter's resignation last week, a second official — who worked at the Council on Environmental Quality — has resigned over his own domestic abuse allegations, Andrew [reports](#). Speechwriter David Sorensen submitted his resignation after being confronted by White House officials over allegations made by his ex-wife, who said he had been physically and verbally abusive. Sorensen [released](#) a statement, published by a Daily Caller reporter, disputing the allegations, while his ex-wife put out her own statement [here](#).

PEER QUESTIONS AUTHORITY OF 3 DOI DIRECTORS: The watchdog group Public Employees for Environmental Responsibility says three senior officials at the Interior Department are serving illegally. In a complaint being filed with Interior's inspector general's office today, PEER says the acting heads of the Fish and Wildlife Service, Bureau of Land Management and National Park Service were not appointed in accordance with the Vacancies Reform Act. The 1998 law was passed to prevent the president from circumventing Senate confirmation requirements by appointing acting heads on a long-term basis. PEER argues that FWS Acting Director Greg Sheehan, NPS Acting Director Daniel Smith and Brian Steed, BLM's deputy director for programs and policy who Interior says is "exercising authority of the director" did not serve as Interior Department staffers for 90 days during the year preceding their appointment and were not appointed by the President — violations of the law.

PEER contends that all of the actions taken by these acting officials are illegal, including a number of listing decisions under the Endangered Species Act under Sheehan's name and a move he signed off on to give states a greater role in ESA decisions. "This chronic leadership failure casts a deep, murky legal shadow across of a wide range of Interior decisions which may be legal nullities," PEER Executive Director Jeff Ruch said in a statement.

PRUITT TRAVEL TOPS \$90K: Between a recent trip to Morocco focusing on natural gas exports and a tendency to fly first-class, Pruitt's travel has often come under scrutiny. But a new report from the Post highlights at what cost the EPA chief's travel has come to the taxpayer, zeroing in at least \$90,000 for Pruitt and his aides during a June international trip, according to receipts obtained by the Environmental Integrity Project under FOIA. The costs of Pruitt's 24-hour security detail are not included because that figure has not been disclosed. The Post also adds a few new destinations to Pruitt's expected upcoming international itinerary, reporting that he has trips planned to "to Israel, Australia, Japan, Mexico and possibly Canada, according to officials familiar with his schedule." Read the details here.

WATER YOUR THOUGHTS? The new chief of EPA's water office sat down with Pro's Annie Snider last week to discuss Pruitt's water priorities, the contentious Waters of the U.S. rule and nutrient pollution problems, among other topics. Here's a sampling of Annie's sit-down with David Ross:

— **On drinking water and water quality:** "Bridging both of those is infrastructure. That is key. The numbers that we see in this country on aging infrastructure from a water and wastewater standpoint are staggering. ... In infrastructure, people talk about roads and bridges, there's a huge space in infrastructure. For me, I focus in on the basic life needs: how do we have clean water for our citizens and then what do we do after we use that water."

— **On WOTUS:** "If you're talking about the litigation on the 2015 rule, there are people in this building who are working it, Department of Justice is working it, I'm not. Litigation going forward on rules that we do obviously I am not prohibited from working those because that's new regulatory action and new litigation. We have very strong ethics rules here, we're abiding by them, I knew what they were coming in and set up the walls." Read the full Q&A here.

NARUC COMES TO TOWN: State regulators are swarming Washington this week for their annual winter meeting, a lineup that includes FERC commissioners, Energy Department officials and a keynote by Alaska Sen. Lisa Murkowski, a regular speaker at the conference. Electric grid resilience, the "implications and complications" of last year's tax law, and the energy-water nexus are among the most prominent subjects over the next few days at the National Association of Regulatory Utility Commissioners' meeting. Natural gas and renewables each get plenty of attention too but for a group that is fairly unified on getting the federal government to collect the nuclear waste building up in their states, the meeting only touches on the subject tangentially with a panel on reactor decommissioning. The ongoing court battles around nuclear-friendly state policies also seem noticeably absent from the agenda. Today's program kicks off at 9 a.m. at the Renaissance Washington Hotel.

COAL FINANCING TEST CASE PULLED: PetroVietnam has withdrawn an application for U.S. financial support for a coal-fired power plant in the country, the Export-Import Bank said on Thursday. The move, The New York Times reports, brings "to an abrupt end a closely watched test of whether Washington would back international projects that could potentially contribute to climate change." It wasn't immediately clear why the company withdrew its request for the plant, Long Phu 1. But the project — already under construction — faced criticism inside and outside the United States, the Times reports.

PERSONAL FINANCE: Former Massey Energy CEO Don Blankenship has not raised a single cent for his Senate campaign in West Virginia, the Charleston Gazette-Mail reports via Blankenship's recent FEC filing. Instead, the former coal boss loaned himself \$400,000 in November and his campaign since then has spent more than \$250,000, mostly on TV advertising. Patrick Morrissey also poured personal loans into his campaign for the Republican nomination for Sen. Joe Manchin's seat, the Charleston Gazette-Mail reports.

THE GAS TAX IMPACT: Energy Innovation is out with a new research note today, focusing on the effects of the U.S. Chamber of Commerce's proposed gas tax increase. The research found by 2050, a \$0.25 gas tax increase would generate \$840 billion in revenue and would cost U.S. drivers \$30 billion per year by 2022, with yearly costs decreasing over time. The tax increase would also reduce annual fuel consumption by 40-45 million barrels, according to the research, and cut total fuel use by more than 1.3 billion barrels. Read the document here.

MAIL CALL: National Rural Electric Cooperative Association CEO Jim Matheson sent letters to congressional appropriators asking them "to dedicate significant funding to rural infrastructure, particularly rural broadband, from the \$10 billion dedicated to infrastructure development." Read the letters here and here.

— **Sens. Bill Cassidy, Manchin, Chris Coons and Shelley Moore Capito** are urging appropriators to ensure full funding for DOE's Title XVII Innovative Technology Loan Guarantee Program.

QUICK HITS

- Blackout hits northern Puerto Rico following fire, explosion, Associated Press.
- Zinke moves to expand big-game hunting on federal land, Washington Examiner.
- Trump's infrastructure plan may ignore climate change. It could be costly, The New York Times.
- Pipeline ruling on hold as judge weighs arguments; decision expected next week, The Advocate.
- There's a global race to control batteries — and China is winning, The Wall Street Journal.
- De Niro takes aim at Trump's climate change policy, Associated Press.

HAPPENING THIS WEEK

MONDAY

7:30 a.m. — The Renewable Fuels Association holds its annual conference, San Antonio.

7:30 a.m. — The Solar Energy Industries Association and the Energy Storage Association breakfast panel discussion on Distributed Energy Resource valuation, 999 9th St NW

9:00 a.m. — The National Association of Regulatory Utility Commissioners holds its Winter Policy Summit, 999 9th Street, NW

9:00 a.m. — Jay Timmons, president and CEO of the National Association of Manufacturers, will give his annual "State of Manufacturing Address." Livestream of the event here.

TUESDAY

11:00 a.m. — The Environmental and Energy Institute briefing to showcase two London Economics International studies, 2360 Rayburn

12:00 p.m. — The Atlantic Council conversation on Iraq's energy potential, 1030 15th Street NW

12:00 p.m. — The Northern Virginia Regional Commission, and the Greater Washington Warburg Chapter of the American Council on Germany discussion on "The Social Benefits of Renewable Energy," Fairfax, Va.

2:00 p.m. — The Responsible Battery Coalition holds briefing event on "Vehicle battery sustainability: Recycling 2 million more," SVC-214

WEDNESDAY

10:15 a.m. — House Natural Resources Committee markup of pending calendar business, 1324 Longworth

11:00 a.m. — David Gardiner and Associates webinar on "The Growing Demand for Renewable Energy Among Major U.S. and Global Manufacturers."

2:00 p.m. — House Energy and Commerce Environment Subcommittee hearing on "New Source Review Permitting Challenges for Manufacturing and Infrastructure," 2123 Rayburn

2:00 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on "The State of the Nation's Water and Power Infrastructure," 1324 Longworth

3:00 p.m. — Senate Energy and Natural Resources Committee hearing on various bills, 366 Dirksen Senate

THURSDAY

9:30 a.m. — BNEF and BCSE release its 2018 Sustainable Energy in America Factbook, 1101 New York Avenue NW

10:00 a.m. — House Science Research and Technology Subcommittee hearing on "Mentoring, Training, and Apprenticeships for STEM Education and Careers," 2318 Rayburn

2:00 p.m. — House Natural Resources Committee Energy and Mineral Resources Subcommittee hearing on H.R. 520 (115), the "National Strategic and Critical Minerals Production Act," 1324 Longworth

5:30 p.m. — The National Capital Region Society of Healthcare Engineers seminar on "Energy to Care: Co-Generation Energy Savings and Resiliency," Arlington

THAT'S ALL FOR ME!